SESSION
LAWS OF MISSOURI

Passed during the

ONE-HUNDREDTH GENERAL ASSEMBLY

First Regular Session, which convened at the City of Jefferson,
Wednesday, January 9, 2019, and adjourned Wednesday, May 30, 2019.
and
First Extraordinary Session of the First Regular Session, which convened at the City of Jefferson, Monday, September 9, 2019, and adjourned Tuesday, September 24, 2019.

Veto Session held September 11, 2019.

Published by the

**MISSOURI JOINT
COMMITTEE ON
LEGISLATIVE RESEARCH**

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Revised Statutes of Missouri, 2016

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HOW TO USE
THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2019 Legislation* from the First Regular Session of the 100th General Assembly, followed by the First Extraordinary Session (2019) of the 100th General Assembly.

The text of all 2019 House and Senate Bills and the Concurrent Resolutions from the First Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

After the text from the First Regular Session, the text of the 2019 House Bill 1 from the First Extraordinary Session (2019) of the 100th General Assembly follows.

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

Visit the Revisor of Statutes website at revisor.mo.gov.

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FIRST REGULAR SESSION (2019)
ONE-HUNDREDTH GENERAL ASSEMBLY

AUTHORITY FOR PUBLISHING SESSION LAWS AND RESOLUTIONS

2.030. Revised Statutes of Missouri, 2016. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

2.040. Revised Statutes of Missouri, 2016. — Duties of legislative research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of the session laws pursuant to section 2.030, giving the date of the approval or adoption thereof. The joint committee on legislative research shall headnote, collate, index the laws, resolutions and constitutional amendments, and compare the proof sheets of the printed copies with the original rolls. The revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

The Joint Committee on Legislative Research is pleased to state that the 2019 Session Laws of Missouri is printed with soy-based ink.

ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

I, Russ Hembree, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the One-hundredth General Assembly of the State of Missouri, convened in first regular session (2019) and first extraordinary session (2019), as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this twenty-ninth day of October A.D. two thousand nineteen.

RUSS HEMBREE
REVISOR OF STATUTES

EFFECTIVE DATE OF LAWS

All laws having emergency clauses (and appropriation bills) become effective upon signature by the governor. Bills having a specific effective date contained in the text of the act become effective on that date. This date is shown immediately following the section. All other laws become effective in accordance with the provisions of the Constitution of Missouri.

Section 29, Article III of the Constitution provides:

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

Pursuant to Section 20(a), Article III, Constitution of Missouri, as amended in 1988, the regular session of the general assembly ends on May 30th and laws passed at that session become effective August 28th of that year.

Section 21.250, which provides for the effective date of bills reconsidered after the governor's veto, was amended by the General Assembly in 2003 to add the following language:

> "Unless the bill provides otherwise, it shall become effective thirty days after approval by constitutional majorities in both houses of the general assembly.".

The One-hundredth General Assembly, First Regular Session, convened Wednesday, January 9, 2019, and adjourned Wednesday, May 30, 2019. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2019.

The One-hundredth General Assembly, First Extraordinary Session (2019), convened Monday, September 9, 2019, and adjourned Tuesday, September 24, 2019. The bill passed by it became effective ninety days thereafter on December 23, 2019.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

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

> "All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately."

The One-hundredth General Assembly (First Regular Session (2019)) passed one Joint Resolution. Resolutions are to be published as provided in Section 116.340, RSMo 2016, which reads:

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

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

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2019 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
9.090	New	HB 565
9.117	New	HB 266
9.117	New	HB 565
9.240	New	HB 266
9.240	New	HB 565
9.285	New	HB 266
9.286	New	HB 266
9.290	New	HB 565
10.105	New	HB 565
10.105	New	SB 210
10.190	New	HB 565
10.190	New	SB 210
10.200	New	HB 565
10.200	New	SB 210
21.790	New	SB 514
21.900	New	SB 391
25.03	New	SB 224
26.275	New	HB 612
29.200	Amended	SB 138
32.056	Vetoed	SB 147
32.303	Vetoed	SB 147
33.150	Amended	HB 1088
34.040	Amended	HB 1088
34.042	Amended	HB 1088
34.044	Amended	HB 1088
34.047	Amended	HB 1088
36.020	Vetoed	SB 282
37.007	Amended	HB 1088
37.960	New	HB 1088
43.539	New	HB 694
43.540	Amended	HB 694
43.548	New	HB 694
56.01	New	SB 224
56.765	Amended	HB 547
57.01	New	SB 224
57.03	New	SB 224
57.04	New	SB 224
57.280	Amended	HB 192
57.280	Amended	SB 12
58.01	New	SB 224
58.035	Vetoed	HB 447
58.095	Vetoed	HB 447
58.208	Vetoed	HB 447
58.451	Vetoed	HB 447
58.720	Vetoed	HB 447
59.01	New	SB 224
61.01	New	SB 224
64.002	New	SB 133
65.702	New	SB 133
67.641	Amended	HB 677
67.1360	Amended	SB 87
68.040	Amended	SB 368
70.600	Amended	SB 17
70.631	New	SB 17
82.462	New	SB 203
82.1025	Amended	SB 203
82.1027	Amended	SB 203
82.1028	Repealed	SB 203

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
82.1029	Repealed	SB 203
82.1030	Amended	SB 203
82.1031	Amended	SB 203
88.770	Amended	HB 355
88.770	Amended	SB 203
89.020	Amended	SB 133
94.510	Amended	SB 21
94.900	Amended	SB 21
94.902	Amended	SB 21
99.585	New	HB 677
105.483	Amended	SB 213
107.170	Amended	SB 167
127.010	New	SB 213
127.020	New	SB 213
127.030	New	SB 213
127.040	New	SB 213
135.090	Amended	SB 87
135.100	Amended	SB 68
135.562	Amended	SB 87
135.630	Amended	HB 126
135.1670	Amended	SB 182
136.055	Amended	HB 499
136.055	Vetoed	SB 147
139.031	Amended	SB 87
140.190	Amended	HB 821
140.980	New	HB 821
140.981	New	HB 821
140.982	New	HB 821
140.983	New	HB 821
140.984	New	HB 821
140.985	New	HB 821
140.986	New	HB 821
140.987	New	HB 821
140.988	New	HB 821
140.991	New	HB 821
140.997	New	HB 821
140.1000	New	HB 821
140.1003	New	HB 821
140.1006	New	HB 821
140.1009	New	HB 821
140.1012	New	HB 821
140.1015	New	HB 821
143.121	Amended	SB 87
143.121	Amended	SB 174
143.732	New	SB 87
143.980	New	SB 87
143.1026	Amended	SB 87
143.1028	New	SB 87
143.1029	New	SB 87
144.020	Amended	HB 220
144.070	Amended	SB 89
144.070	Vetoed	SB 147
144.070	Amended	SB 368
144.088	New	SB 87
144.190	Amended	SB 87
148.064	Amended	SB 174
153.030	Amended	HB 220
153.034	Amended	HB 220

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
160.410	Amended	HB 604
160.415	Amended	HB 604
160.545	Amended	HB 604
160.2500	Amended	HB 604
161.700	Amended	HB 266
161.700	Amended	HB 604
161.1080	New	HB 604
161.1085	New	HB 604
161.1090	New	HB 604
161.1095	New	HB 604
161.1100	New	HB 604
161.1105	New	HB 604
161.1110	New	HB 604
161.1115	New	HB 604
161.1120	New	HB 604
161.1125	New	HB 604
161.1130	New	HB 604
162.068	Amended	HB 604
162.081	Amended	HB 604
162.203	Amended	HB 604
163.018	Amended	HB 604
163.031	Amended	HB 604
167.020	Amended	SB 306
167.125	Amended	HB 604
167.131	Amended	HB 604
167.132	New	HB 604
167.151	Amended	HB 604
167.241	Amended	HB 604
167.890	New	HB 604

SECTION	ACTION	BILL
167.895	New	HB 604
167.898	New	HB 604
168.025	New	HB 604
168.133	Amended	HB 604
168.221	Amended	HB 604
169.141	Amended	SB 17
169.560	Amended	HB 77
169.560	Amended	SB 17
169.715	Amended	SB 17
170.020	New	HB 604
170.045	New	HB 604
171.031	Amended	HB 604
171.033	Amended	HB 604
173.234	Amended	SB 306
173.900	Amended	SB 306
173.1155	Amended	SB 306
173.2553	New	SB 68
173.2554	New	SB 68
174.345	New	HB 1088
177.086	Amended	HB 604
178.530	Amended	HB 604
178.931	Amended	SB 275
184.815	Amended	SB 397
185.070	New	HB 266
185.070	New	SB 210
188.010	Amended	HB 126
188.015	Amended	HB 126
188.017	New	HB 126
188.018	New	HB 126

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
188.026	New	HB 126
188.027	Amended	HB 126
188.028	Amended	HB 126
188.033	New	HB 126
188.038	New	HB 126
188.043	Amended	HB 126
188.044	New	HB 126
188.052	Amended	HB 126
188.056	New	HB 126
188.057	New	HB 126
188.058	New	HB 126
188.375	New	HB 126
190.292	Amended	SB 291
190.327	Amended	SB 291
190.335	Amended	SB 291
190.455	Amended	SB 291
190.460	Amended	SB 291
190.462	New	SB 291
190.839	Amended	SB 29
191.250	New	HB 138
191.250	New	HB 397
191.603	Amended	SB 514
191.605	Amended	SB 514
191.607	Amended	SB 514
191.737	Amended	SB 514
191.1164	Vetoed	HB 399
191.1164	New	SB 514
191.1165	Vetoed	HB 399
191.1165	New	SB 514
191.1167	Vetoed	HB 399
191.1167	New	SB 514
191.1168	Vetoed	HB 399
191.1168	New	SB 514
192.007	Vetoed	HB 399
192.067	Vetoed	HB 447
192.067	Amended	SB 514
192.300	Amended	SB 391
192.385	New	SB 275
192.667	Amended	SB 514
192.990	Vetoed	HB 447
192.990	New	SB 514
193.015	Amended	SB 514
193.145	Vetoed	HB 447
193.145	Vetoed	SB 282
193.265	Vetoed	HB 447
193.265	Vetoed	SB 282
194.119	Vetoed	HB 447
194.119	Vetoed	SB 282
194.225	Vetoed	SB 282
194.225	Amended	SB 368
195.060	Amended	SB 514
195.080	Amended	SB 514
195.100	Amended	SB 514
195.550	New	SB 514
195.740	Amended	SB 133
195.743	Amended	SB 133
195.746	Amended	SB 133
195.749	Amended	SB 133

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
195.752	Amended	SB 133
195.755	Repealed	SB 133
195.756	Amended	SB 133
195.758	Amended	SB 133
195.764	Amended	SB 133
195.767	Amended	SB 133
195.770	Repealed	SB 133
195.820	New	SB 514
196.100	Amended	SB 514
196.352	New	SB 133
197.108	New	SB 514
198.082	Amended	SB 514
198.439	Amended	SB 29
208.044	Amended	HB 397
208.146	Amended	SB 514
208.151	Amended	HB 397
208.151	Amended	SB 514
208.225	Amended	SB 514
208.437	Amended	SB 29
208.480	Amended	SB 29
208.790	Amended	SB 514
208.896	New	SB 514
208.909	Vetoed	HB 399
208.918	Vetoed	HB 399
208.924	Vetoed	HB 399
208.930	Vetoed	HB 399
208.930	Amended	SB 514
208.935	Vetoed	HB 399
209.245	New	SB 101
209.625	Amended	SB 230
210.025	Amended	HB 397
210.110	Amended	HB 604
210.192	Amended	HB 397
210.192	Vetoed	HB 447
210.194	Amended	HB 397
210.194	Vetoed	HB 447
210.195	Amended	HB 397
210.195	Vetoed	HB 447
210.201	Amended	HB 397
210.211	Amended	HB 397
210.221	Amended	HB 397
210.245	Amended	HB 397
210.252	Amended	HB 397
210.254	Amended	HB 397
210.565	Amended	HB 397
210.1014	Amended	HB 397
210.1080	Amended	HB 397
215.030	Amended	SB 17
215.030	Amended	SB 185
217.930	Vetoed	HB 399
217.930	New	SB 514
221.111	Amended	SB 514
221.125	Vetoed	HB 399
221.125	New	SB 514
227.453	New	HB 499
227.454	New	HB 499
227.456	New	HB 812
227.457	New	HB 499

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
227.458	New	HB 499
227.459	New	HB 499
227.460	New	HB 499
227.461	New	HB 499
227.462	New	HB 499
227.468	New	HB 812
227.469	New	HB 499
227.471	New	HB 499
227.547	New	HB 499
227.548	New	HB 448
227.549	New	HB 499
227.549	New	SB 210
227.550	New	HB 499
227.800	New	HB 499
227.801	New	HB 499
227.802	New	HB 499
252.042	New	HB 260
253.080	Amended	SB 196
253.177	New	SB 196
253.403	Amended	SB 196
256.700	Amended	SB 84
256.725	Vetoed	SB 202
260.035	Amended	SB 17
260.035	Amended	SB 185
260.240	Amended	SB 134
260.273	Amended	SB 134
261.140	New	SB 133
261.500	New	HB 266
264.061	Amended	SB 133

SECTION	ACTION	BILL
266.031	Amended	SB 133
266.165	Amended	SB 133
266.190	Amended	SB 133
270.400	Amended	HB 655
280.005	Repealed	SB 133
280.010	Repealed	SB 133
280.020	Repealed	SB 133
280.030	Repealed	SB 133
280.035	Repealed	SB 133
280.037	Repealed	SB 133
280.038	Repealed	SB 133
280.040	Repealed	SB 133
280.050	Repealed	SB 133
280.060	Repealed	SB 133
280.070	Repealed	SB 133
280.080	Repealed	SB 133
280.090	Repealed	SB 133
280.095	Repealed	SB 133
280.100	Repealed	SB 133
280.110	Repealed	SB 133
280.120	Repealed	SB 133
280.130	Repealed	SB 133
280.140	Repealed	SB 133
281.035	Amended	SB 133
281.037	Amended	SB 133
281.038	Amended	SB 133
281.050	Amended	SB 133
281.260	Amended	SB 133
281.265	New	SB 133

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SECTION	ACTION	BILL
288.040	Amended	SB 90
288.130	Amended	SB 90
288.160	Amended	SB 90
288.245	Amended	SB 90
288.247	New	SB 90
300.155	Vetoed	SB 147
301.010	Amended	HB 499
301.010	Vetoed	SB 147
301.020	Amended	SB 89
301.020	Vetoed	SB 147
301.030	Vetoed	SB 147
301.032	Amended	SB 89
301.032	Vetoed	SB 147
301.032	Amended	SB 368
301.067	Amended	HB 499
301.067	Vetoed	SB 147
301.191	Amended	SB 89
301.191	Vetoed	SB 147
301.560	Amended	HB 926
301.560	Amended	SB 368
301.3066	New	HB 926
301.3067	New	HB 831
301.3067	New	HB 926
301.3174	New	HB 831
301.3175	New	HB 898
302.020	Vetoed	SB 147
302.026	Vetoed	SB 147
302.170	Amended	SB 89
302.170	Vetoed	SB 147
302.170	Amended	SB 368
302.171	Vetoed	SB 282
302.171	Amended	SB 368
302.341	Vetoed	SB 147
302.574	Amended	HB 192
302.574	Amended	HB 499
302.720	Amended	SB 89
302.720	Vetoed	SB 147
302.720	Amended	SB 368
302.768	Amended	SB 89
302.768	Vetoed	SB 147
302.768	Amended	SB 368
304.153	Vetoed	SB 147
304.281	Vetoed	SB 147
304.580	Amended	HB 499
304.580	Amended	SB 89
304.585	Amended	HB 499
304.585	Amended	SB 89
304.590	Amended	HB 192
304.590	Amended	HB 499
304.894	Amended	HB 499
304.894	Amended	SB 89
307.178	Amended	SB 30
307.350	Amended	SB 89
307.350	Vetoed	SB 147
311.025	New	HB 266
311.198	Amended	SB 197
311.300	Amended	SB 197
313.905	Amended	SB 87

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
313.915	Amended	SB 87
313.917	New	SB 87
313.920	Amended	SB 87
313.925	Amended	SB 87
313.935	Amended	SB 87
313.945	Amended	SB 87
313.950	Amended	SB 87
313.955	Amended	SB 87
321.242	Amended	SB 333
327.401	Amended	HB 355
332.361	Amended	SB 275
332.361	Amended	SB 514
333.011	Vetoed	HB 447
333.011	Vetoed	SB 282
333.072	Vetoed	HB 447
333.072	Vetoed	SB 282
334.037	Amended	SB 514
334.104	Amended	SB 514
334.108	Amended	SB 514
334.735	Amended	SB 514
334.736	Amended	SB 514
334.747	Amended	SB 514
334.749	Amended	SB 514
334.1135	New	SB 275
335.175	Amended	SB 514
337.712	Amended	SB 514
338.010	Amended	SB 514
338.015	Amended	SB 514
338.055	Amended	SB 514
338.056	Amended	SB 514
338.140	Amended	SB 514
338.143	New	SB 514
338.550	Amended	SB 29
338.665	New	SB 514
339.190	Amended	SB 36
347.048	Amended	HB 959
351.360	Amended	HB 959
361.140	Repealed	SB 179
361.230	Amended	SB 179
361.250	Amended	SB 179
361.440	Amended	SB 179
361.520	Amended	SB 179
362.025	Amended	SB 179
362.030	Amended	SB 179
362.042	Amended	SB 179
362.060	Amended	SB 179
362.430	Amended	SB 179
362.440	Amended	SB 179
362.450	Amended	SB 179
362.600	Amended	SB 179
362.660	Amended	SB 179
369.019	Amended	SB 179
369.059	Amended	SB 179
369.074	Amended	SB 179
369.079	Amended	SB 179
369.089	Amended	SB 179
369.678	Amended	SB 179
374.191	Amended	HB 182

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
374.191	Amended	SB 54
374.500	Amended	SB 514
375.1800	New	SB 7
375.1803	New	SB 7
375.1806	New	SB 7
376.690	Vetoed	HB 399
376.690	Amended	SB 514
376.1040	Vetoed	HB 399
376.1040	Amended	SB 514
376.1042	Vetoed	HB 399
376.1042	Amended	SB 514
376.1180	Vetoed	SB 414
376.1182	Vetoed	SB 414
376.1224	Vetoed	HB 399
376.1224	Amended	SB 514
376.1345	Vetoed	HB 399
376.1345	New	SB 514
376.1350	Amended	SB 514
376.1356	Amended	SB 514
376.1363	Amended	SB 514
376.1364	New	SB 514
376.1372	Amended	SB 514
376.1385	Amended	SB 514
382.010	Amended	SB 54
382.227	New	SB 54
382.230	Amended	SB 54
386.020	Amended	HB 355
386.135	Amended	HB 355
386.510	Amended	HB 192
386.510	Amended	HB 355
386.515	Amended	HB 192
386.515	Amended	HB 355
386.805	New	HB 355
393.1073	New	HB 220
407.824	New	HB 959
407.825	Amended	HB 959
441.920	New	HB 243
442.135	New	SB 36
452.377	Amended	HB 397
452.377	Amended	SB 83
452.402	Amended	SB 83
454.507	Amended	HB 397
454.600	Amended	HB 397
454.603	Amended	HB 397
472.010	Amended	SB 230
475.035	Amended	SB 230
475.115	Amended	SB 230
476.001	Amended	HB 192
476.001	Amended	SB 83
476.001	Amended	SB 230
478.001	Amended	HB 547
479.020	Amended	HB 192
479.353	Amended	HB 192
479.354	New	HB 192
479.500	Amended	HB 192
479.500	Amended	HB 499
488.5050	Amended	HB 694
494.430	Amended	SB 297

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
507.040	Amended	SB 7
507.050	Amended	SB 7
508.010	Amended	SB 7
508.010	Amended	SB 230
508.012	Amended	SB 7
513.430	Amended	HB 397
528.700	New	SB 83
528.705	New	SB 83
528.710	New	SB 83
528.715	New	SB 83
528.720	New	SB 83
528.725	New	SB 83
528.730	New	SB 83
528.735	New	SB 83
528.740	New	SB 83
528.745	New	SB 83
528.750	New	SB 83
536.015	Amended	HB 1088
536.025	Amended	HB 1088
536.031	Amended	HB 1088
536.033	Amended	HB 1088
536.200	Amended	HB 1088
536.205	Amended	HB 1088
537.340	Amended	HB 355
537.762	Amended	SB 7
543.270	Amended	HB 192
557.014	New	HB 547
558.006	Amended	HB 192
558.019	Amended	HB 192
566.147	Amended	HB 397
567.020	Amended	HB 397
567.050	Amended	HB 397
569.086	New	HB 355
573.110	Amended	HB 243
578.421	Amended	HB 397
578.423	Amended	HB 397
600.042	Amended	HB 192
600.042	Amended	SB 83
600.042	Amended	SB 230
610.131	Amended	HB 397
610.140	Amended	SB 1
620.010	Amended	HB 612
620.511	Amended	SB 68
620.800	Amended	SB 68
620.803	Amended	SB 68
620.806	Amended	SB 68
620.809	Amended	SB 68
620.2005	Amended	SB 68
620.2005	Amended	SB 180
620.2010	Amended	SB 68
620.2010	Amended	SB 180
620.2020	Amended	SB 68
620.2020	Amended	SB 180
620.2475	Amended	SB 68
621.047	New	SB 87
630.175	Amended	SB 514
630.875	Amended	SB 514
633.401	Amended	SB 29

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

SECTION	ACTION	BILL
640.715	Amended	SB 391
640.745	Amended	SB 391
650.058	Amended	HB 547
650.330	Amended	SB 291
Section 1	New	SB 7
Section 1	New	SB 203
Section 1	New	SB 210
Section 1	New	SB 391
Section 2	New	SB 7
Section B	O	HB 77
Section B	O	HB 126
Section B	O	HB 397
Section B	O	HB 399
Section B	O	HB 694
Section B	O	SB 17
Section B	O	SB 21
Section B	O	SB 30
Section B	O	SB 87
Section B	O	SB 133
Section B	O	SB 147
Section B	O	SB 291
Section B	O	SB 514
Section C	O	HB 126

The classifications of generic sections appear in the Disposition of Sections table published in the Revised Statutes of Missouri and the annual supplements.

TABLE OF SECTIONS AFFECTED BY 2019 LEGISLATION, 100TH GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION (2019)

SECTION	ACTION	BILL	SECTION	ACTION	BILL
144.025	Amended	HB 1			

HCS HB 1

Appropriates money to the Board of Fund Commissioners

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 1.005. — To the Board of Fund Commissioners
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses
From General Revenue Fund (0101) $15,000

SECTION 1.010. — There is transferred out of the State Treasury, to the Fourth State Building Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101) $4,170,950

SECTION 1.015. — To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on fourth state building bonds currently outstanding as provided by law
From Fourth State Building Bond and Interest Fund (Various) $9,875,375

SECTION 1.020. — There is transferred out of the State Treasury, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101) $10,489,457

There is transferred out of the State Treasury, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From Water and Wastewater Loan Revolving Fund (0602) 1,106,550
Total $11,596,007

SECTION 1.025. — To the Board of Fund Commissioners
For payment of issuance costs, interest, and sinking fund requirements on water pollution control bonds currently outstanding as provided by law
From Water Pollution Control Bond and Interest Fund (Various) $12,379,557

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 1.030. — There is transferred out of the State Treasury, to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101) $1,778,500

SECTION 1.035. — To the Board of Fund Commissioners
For payment of issuance costs, interest, and sinking fund requirements on stormwater control bonds currently outstanding as provided by law
From Stormwater Control Bond and Interest Fund (Various) $1,780,125

Bill Totals
General Revenue Fund $16,453,907
Other Funds 1,106,550
Total $17,560,457

Approved June 10, 2019

CCS SCS HCS HB 2

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 2.005. — To the Department of Elementary and Secondary Education
For the Division of Financial and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
Personal Service $1,859,145
Expense and Equipment 115,600
From General Revenue Fund (0101) 1,974,745

Personal Service 2,008,629
Expense and Equipment 691,084
From Elementary and Secondary Education - Federal Fund (0105) 2,699,713
Total (Not to exceed 72.00 F.T.E.) $4,674,458

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 2.006. — To the Department of Elementary and Secondary Education

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $24,674
From Federal and Other Funds (Various) 70,702
Total $95,376

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

For refunds

From Elementary and Secondary Education - Federal Fund (0105) $50,000
From Vocational Rehabilitation Fund (0104) 20,000
Total $70,000

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

For distributions to the free public schools of $3,926,453,885 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:

For the Foundation Formula, provided that the State Adequacy Target pursuant to Section 163.011 RSMo shall not exceed $6,375 ..... $3,553,211,885
For Transportation 107,547,713
For Early Childhood Special Education 194,567,259
For Vocational Education, provided that no funds are used for advertising 50,069,028
For Early Childhood Development, provided that the Department of Elementary and Secondary Education shall coordinate the delivery of services under the Parents as Teachers Program with the Home Visiting Program within the Department of Social Services 20,558,000
For Early Childhood Development in unaccredited or provisionally accredited districts, provided that the Department of Elementary and Secondary Education shall coordinate the delivery of services under the Parent as Teachers Program with the Home Visiting Program within the Department of Social Services 500,000
From General Revenue Fund (0101) 2,324,324,974
From Outstanding Schools Trust Fund (0287) 836,681,973
From State School Moneys Fund (0616) 238,023,387
From Lottery Proceeds Fund (0291) 152,959,964
From Classroom Trust Fund (0784) 349,999,054
From Early Childhood Development, Education and Care Fund (0859) 24,464,533

For the Small Schools Program

From General Revenue Fund (0101) 15,000,000

For State Board of Education operated school programs

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

service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325

Personal Service 27,066,458
Expense and Equipment 18,133,039
From General Revenue Fund (0101) 45,199,497

Personal Service 747,962
Expense and Equipment 7,001,668
From Elementary and Secondary Education - Federal Fund (0105) 7,749,630

Expense and Equipment
From Bingo Proceeds for Education Fund (0289) 1,876,355
Total (Not to exceed 677.92 F.T.E.) $3,996,279,367

SECTION 2.020. — To the Department of Elementary and Secondary Education
For the School Nutrition Services Program to reimburse schools for school food programs
From General Revenue Fund (0101) $3,412,151
From Elementary and Secondary Education - Federal Fund (0105) 318,031,026
Total $321,443,177

SECTION 2.025. — To the Department of Elementary and Secondary Education
For a program to recruit, train, and/or develop teachers to teach in academically struggling school districts
From General Revenue Fund (0101) $1,500,000

SECTION 2.030. — To the Department of Elementary and Secondary Education
For planning, design, procurement, and implementation of a K-3 reading assessment system for preliminary identification of students at risk for dyslexia and related disorders including analysis of phonological and phonemic awareness, rapid automatic naming, alphabetic principle, phonics, reading fluency, spelling, reading accuracy, vocabulary, and reading comprehension
From General Revenue Fund (0101) $400,000

SECTION 2.035. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the STEM Career Awareness Program Fund
From General Revenue Fund (0101) $250,000

SECTION 2.040. — To the Department of Elementary and Secondary Education
For the STEM Career Awareness Program
From STEM Career Awareness Program Fund (0997) $250,000

SECTION 2.045. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Computer Science Education Fund
From General Revenue Fund (0101) $450,000

SECTION 2.050. — To the Department of Elementary and Secondary Education
For Computer Science Education
From Computer Science Education Fund (0423) $450,000

SECTION 2.055. — To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund
From School District Trust Fund (0688) $958,400,000

SECTION 2.060. — To the Department of Elementary and Secondary Education
For the Missouri Scholars and Fine Arts Academies
From General Revenue Fund (0101) $275,000

SECTION 2.065. — To the Department of Elementary and Secondary Education
For grants to establish safe schools programs addressing active shooter response training and school safety measures, provided that grants are to be distributed by a statewide education organization whose directors consist entirely of public school board members, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $300,000

SECTION 2.066. — To the Department of Elementary and Secondary Education
For a public school located in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants, for a pilot model that uses integrated student support in collaboration with local communities to address barriers to student success
From General Revenue Fund (0101) $200,000

SECTION 2.067. — To the Department of Elementary and Secondary Education
For a statewide association organized for the purpose of supporting rural schools and their boards of education to provide school board member training
From General Revenue Fund (0101) $25,000

SECTION 2.070. — To the Department of Elementary and Secondary Education
For the Virtual Schools Program
From General Revenue Fund (0101) $200,000
From Lottery Proceeds Fund (0291) 389,778
Total $589,778

SECTION 2.075. — To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bond Fund (0248) $492,000

SECTION 2.080. — To the Department of Elementary and Secondary Education

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

Personal Service $3,500
Expense and Equipment 46,500
From Vocational Rehabilitation Fund (0104) 50,000

Expense and Equipment
From Elementary and Secondary Education - Federal Fund (0105) 14,950,000
Total $15,000,000

SECTION 2.085. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the School Broadband Fund

From General Revenue Fund (0101) $1

SECTION 2.090. — To the Department of Elementary and Secondary Education

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

From School Broadband Fund (0208) $3,000,000

SECTION 2.095. — To the Department of Elementary and Secondary Education

For the Division of Learning Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325, and further provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.130, the Vocational Rehabilitation funds in Section 2.180, and the Disability Determination funds in Section 2.185

Personal Service $3,792,072
Expense and Equipment 264,224
From General Revenue Fund (0101) 4,056,296

Personal Service 6,774,737
Expense and Equipment 3,679,393
From Elementary and Secondary Education - Federal Fund (0105) 10,454,130

Personal Service 657,768
Expense and Equipment 2,308,067
From Excellence in Education Fund (0651) 2,965,835

For the Office of Adult Learning and Rehabilitative Services
Personal Service 29,853,421
Expense and Equipment 3,539,444

From Vocational Rehabilitation Fund (0104) 33,392,865
Total (Not to exceed 881.86 F.T.E.) $50,869,126

SECTION 2.100. — To the Department of Elementary and Secondary Education
For reimbursements to school districts for the Early Childhood Program, Hard-to-Reach Incentives, and Parent Education in conjunction with the Early Childhood Education and Screening Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $198,200
From Elementary and Secondary Education - Federal Fund (0105) 500,000

For development of a voluntary early learning quality assurance report
From General Revenue Fund (0101) 319,713

For the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325, and further provided that no annual grant award under the Missouri Preschool Program exceed $350,000, and further provided no annual grant award under the Missouri Preschool Program be awarded to any preschool program that receives funding through the Foundation Formula
From Early Childhood Development, Education and Care Fund (0859) 3,000,000

For receiving and expending early childhood education grants
From Elementary and Secondary Education - Federal Fund (0105) 6,500,000
Total $10,517,913

SECTION 2.105. — To the Department of Elementary and Secondary Education
For the School Age Afterschool Program
From Elementary and Secondary Education - Federal Fund (0105) $21,577,278

SECTION 2.110. — To the Department of Elementary and Secondary Education
For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.130, the Vocational Rehabilitation funds in Section 2.180, and the Disability Determination funds in Section 2.185, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium
From General Revenue Fund (0101) $9,472,213
From Elementary and Secondary Education - Federal Fund (0105) 7,800,000
From Lottery Proceeds Fund (0291) 4,311,255
Total $21,583,468

SECTION 2.115. — To the Department of Elementary and Secondary Education
For distributions to providers of vocational education programs
From Elementary and Secondary Education - Federal Fund (0105) $22,000,000

SECTION 2.120. — To the Department of Elementary and Secondary Education
For dyslexia programs, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $400,000

SECTION 2.125. — To the Department of Elementary and Secondary Education
For the Missouri Healthy Schools, Successful Students Program
From Elementary and Secondary Education - Federal Fund (0105) $283,148

SECTION 2.130. — To the Department of Elementary and Secondary Education
For improving the academic achievement of the disadvantaged programs operated by local education agencies under Title I of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105) $260,000,000

SECTION 2.135. — To the Department of Elementary and Secondary Education
For the homeless children and youth program under Title IX, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105) $1,500,000

SECTION 2.140. — To the Department of Elementary and Secondary Education
For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted
From State School Moneys Fund (0616) $9,027

SECTION 2.145. — To the Department of Elementary and Secondary Education
For the Supporting Effective Instruction Grants Program pursuant to Title II of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105) $44,000,000

SECTION 2.150. — To the Department of Elementary and Secondary Education
For the Rural Education Initiative grants pursuant to Title V, Part B of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105) $3,500,000

SECTION 2.155. — To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105) $5,800,000

SECTION 2.160. — To the Department of Elementary and Secondary Education
For Student Support and Enrichment grants pursuant to Title IV, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105) $8,000,000

SECTION 2.165. — To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program
From Elementary and Secondary Education - Federal Fund (0105) $300,000

SECTION 2.170. — To the Department of Elementary and Secondary Education
For character education initiatives, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $10,000

SECTION 2.175. — To the Department of Elementary and Secondary Education
For the Teacher of the Year Program
From Elementary and Secondary Education - Federal Fund (0105) $40,000

SECTION 2.180. — To the Department of Elementary and Secondary Education
For the Vocational Rehabilitation Program
From General Revenue Fund (0101) $14,516,241
From Vocational Rehabilitation Fund (0104) 51,395,734
From Lottery Proceeds Fund (0291) 1,400,000

For Payments by the Department of Mental Health
From Vocational Rehabilitation Fund (0104) 1,000,000
Total $68,311,975

SECTION 2.185. — To the Department of Elementary and Secondary Education
For the Disability Determination Program
From Vocational Rehabilitation Fund (0104) $24,162,577

SECTION 2.190. — To the Department of Elementary and Secondary Education
For Independent Living Centers, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $1,860,000
From Vocational Rehabilitation Fund (0104) 1,402,546
From Independent Living Center Fund (0284) 390,556

For an equal increase on a percentage basis for Independent Living Centers that receive additional funding directly from the federal government
From General Revenue Fund (0101) 160,555

For equalization of state funding to Independent Living Centers that do not receive additional funding directly from the federal government
From General Revenue Fund (0101) 1,339,446
Total $5,153,103

SECTION 2.195. — To the Department of Elementary and Secondary Education
For distributions to educational institutions for the Adult Basic Education Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $5,014,868
From Elementary and Secondary Education - Federal Fund (0105) 9,999,155
Total $15,014,023

SECTION 2.200. — To the Department of Elementary and Secondary Education
For the High School Equivalency Examination
From General Revenue Fund (0101) $400,000

SECTION 2.205. — To the Department of Elementary and Secondary Education
For the Troops to Teachers Program
From Elementary and Secondary Education - Federal Fund (0105) $95,000

SECTION 2.210. — To the Department of Elementary and Secondary Education
For the Special Education Program
From Elementary and Secondary Education - Federal Fund (0105) $244,873,391

SECTION 2.215. — To the Department of Elementary and Secondary Education
For special education excess costs
From General Revenue Fund (0101) $39,946,351
From Lottery Proceeds Fund (0291) 19,590,000
Total $59,536,351

SECTION 2.220. — To the Department of Elementary and Secondary Education
For the First Steps Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $37,818,953
From Elementary and Secondary Education - Federal Fund (0105) 10,993,757

From Part C Early Intervention Fund (0788) 13,000,000
Total $61,812,710

SECTION 2.225. — To the Department of Elementary and Secondary Education
For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo
From General Revenue Fund (0101) $625,000
From Lottery Proceeds Fund (0291) 4,750,000

For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo, provided that said placements make up at least thirty percent (30%) of an eligible district's prior year average daily attendance
From Lottery Proceeds Fund (0291) 250,000
Total $5,625,000

SECTION 2.230. — To the Department of Elementary and Secondary Education
For the Sheltered Workshops Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $26,041,961

SECTION 2.235. — To the Department of Elementary and Secondary Education
For payments to readers for blind or visually-disabled students in elementary and secondary schools, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $25,000

SECTION 2.240. — To the Department of Elementary and Secondary Education
For a task force on blind student academic and vocational performance, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $231,953

SECTION 2.245. — To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf
From School for the Deaf Trust Fund (0922) $49,500

SECTION 2.250. — To the Department of Elementary and Secondary Education
For the Missouri School for the Blind
From School for the Blind Trust Fund (0920) $1,500,000

SECTION 2.255. — To the Department of Elementary and Secondary Education
For the Missouri Special Olympics Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325
From General Revenue Fund (0101) $100,000

SECTION 2.260. — To the Department of Elementary and Secondary Education
For the Missouri Schools for the Severely Disabled
From Handicapped Children's Trust Fund (0618) $200,000

SECTION 2.265. — To the Department of Elementary and Secondary Education
For the Missouri Charter Public School Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325

Personal Service $225,535
Expense and Equipment 55,000
From General Revenue Fund (0101) 280,535

For the Missouri Charter Public School Commission, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service 47,705
Expense and Equipment 750,000
From Charter Public School Commission Revolving Fund (0860) 797,705

Expense and Equipment
From Charter Public School Commission Federal Fund (0175) 500,000
From Charter Public School Commission Trust Fund (0862) 2,000,000
Total (Not to exceed 3.00 F.T.E.) $3,578,240

SECTION 2.270. — To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.325

Personal Service $366,780
Expense and Equipment 132,571
From General Revenue Fund (0101) 499,351

For grants to organizations providing deaf-blind services pursuant to Section 161.412.1, RSMo
From General Revenue Fund (0101) 300,000

Personal Service 34,954
Expense and Equipment 119,000
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743) 153,954

Expense and Equipment
From Missouri Commission for the Deaf and Hard of Hearing Board of Certification of Interpreters Fund (0264) 150,000

For the Statewide Hearing Aid Distribution Program
From Statewide Hearing Aid Distribution Fund (0617) 100,000
Total (Not to exceed 8.00 F.T.E.) $1,203,305

SECTION 2.275. — To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council
Personal Service $213,200
Expense and Equipment 570,138
From Assistive Technology Federal Fund (0188) 783,338

Personal Service 235,391
Expense and Equipment 1,639,703
From Deaf Relay Service and Equipment Distribution Program Fund (0559) 1,875,094

Personal Service 53,952
Expense and Equipment 575,000
From Assistive Technology Loan Revolving Fund (0889) 628,952

Expense and Equipment
From Assistive Technology Trust Fund (0781) 1,080,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 1,000
Total (Not to exceed 9.40 F.T.E.) $4,368,384

SECTION 2.280. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the State School Moneys Fund
From Missouri Children's Services Commission Fund (0601) $3,000

SECTION 2.285. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund
From General Revenue Fund (0101) $168,624,507

SECTION 2.290. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the State School Moneys Fund
From Fair Share Fund (0687) $19,200,000

SECTION 2.295. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Outstanding Schools Trust Fund
From General Revenue Fund (0101) $836,600,000

SECTION 2.300. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Classroom Trust Fund
From Gaming Proceeds for Education Fund (0285) $335,000,000

SECTION 2.305. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Classroom Trust Fund
From Lottery Proceeds Fund (0291) $14,999,054

SECTION 2.310. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the School District Bond Fund
From Gaming Proceeds for Education Fund (0285) $492,000

SECTION 2.315. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the State School Moneys Fund
From School Building Revolving Fund (0279) $1,500,000

SECTION 2.320. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the State School Moneys Fund
From After School Retreat Reading and Assessment Grant Program Fund (0732) $2,000

SECTION 2.325. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

Bill Totals

General Revenue Fund	$3,542,377,186
Federal Funds	1,114,399,744
Other Funds	1,616,268,661
Total	$6,273,045,591

Approved June 10, 2019

CCS #2 SCS HCS HB 3

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period bginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

PART 1

SECTION 3.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

SECTION 3.005. — To the Department of Higher Education

For Higher Education Coordination and for grant and scholarship program administration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

Personal Service $2,231,034
Expense and Equipment 563,232
From General Revenue Fund (0101) 2,794,266

Personal Service $39,936
Expense and Equipment 16,850
From Department of Higher Education Out-of-State Program Fund (0420) 56,786

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

From Quality Improvement Revolving Fund (0537) 75,000
Total (Not to exceed 45.03 F.T.E.) $2,926,052

SECTION 3.006 — To the Department of Higher Education

For the MO Excels Workforce Initiative, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

For Ozark Technical Community College one-time
From General Revenue Fund (0101) $4,750,000

For St. Louis Community College one-time
From General Revenue Fund (0101) 2,012,359

For Missouri State University one-time
From General Revenue Fund (0101) 3,111,250

For Moberly Area Community College one-time
From General Revenue Fund (0101) 1,335,655

For State Fair Community College one-time
From General Revenue Fund (0101) 454,532

For University of Central Missouri one-time
From General Revenue Fund (0101) 674,500

For Truman State University one-time
From General Revenue Fund (0101) 271,191

For Crowder College one-time
From General Revenue Fund (0101) 17,500

For Harris-Stowe State University one-time
From General Revenue Fund (0101) 85,800

For North Central Missouri College one-time
From General Revenue Fund (0101) 350,000

For State Technical College one-time
From General Revenue Fund (0101) 3,000,000

For Lincoln University one-time
From General Revenue Fund (0101) 112,350

For Missouri Western State University one-time
From General Revenue Fund (0101) 557,744

For Missouri Southern State University one-time
From General Revenue Fund (0101) 188,428

For Northwest Missouri State University one-time
From General Revenue Fund (0101) 171,500

For Southeast Missouri State University one-time
From General Revenue Fund (0101) 243,166

For St. Charles Community College one-time
From General Revenue Fund (0101) 1,580,000
Total $18,915,975

SECTION 3.007. — To the Department of Higher Education
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $798

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

From Federal and Other Funds (Various)..... 21,045
Total..... $21,843

SECTION 3.010. — To the Department of Higher Education
For regulation of proprietary schools as provided in Section 173.600, RSMo
Personal Service..... $222,894
Expense and Equipment..... 92,148
From Proprietary School Certification Fund (0729) (Not to exceed 5.00 F.T.E.)..... $315,042

SECTION 3.015. — To the Department of Higher Education
For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo
From Proprietary School Bond Fund (0760)..... $400,000

SECTION 3.020. — To the Department of Higher Education
For annual membership in the Midwestern Higher Education Compact
From General Revenue Fund (0101)..... $115,000

SECTION 3.025. — To the Department of Higher Education
For receiving and expending donations and federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards
From Department of Higher Education Federal Fund (0116)..... $1,000,000

SECTION 3.030. — To the Department of Higher Education
For receiving and expending donations and funds other than federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards
From State Institutions Gift Trust Fund (0925)..... $1,000,000

SECTION 3.040. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the Academic Scholarship Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101)..... $18,176,666
From Guaranty Agency Operating Fund (0880)..... 3,500,000
From State Institutions Gift Trust Fund (0925)..... 2,000,000
Total..... $23,676,666

SECTION 3.045. — To the Department of Higher Education
For the Higher Education Academic Scholarship Program pursuant to Chapter 173, RSMo
From Academic Scholarship Fund (0840)..... $25,676,666

SECTION 3.050. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) $45,954,385
From Lottery Proceeds Fund (0291) 11,916,667
From Guaranty Agency Operating Fund (0880) 6,500,000
From State Institutions Gift Trust Fund (0925) 2,000,000
From Missouri Student Grant Program Gift Fund (0272) 50,000
Total $66,421,052

SECTION 3.055. — To the Department of Higher Education
For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo
From Access Missouri Financial Assistance Fund (0791) $79,460,000

SECTION 3.060. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the A+ Schools Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) $17,453,878
From Lottery Proceeds Fund (0291) 21,659,448
From State Institutions Gift Trust Fund (0925) 2,000,000
Total $41,113,326

SECTION 3.065. — To the Department of Higher Education
For the A+ Schools Program
From A+ Schools Fund (0955) $43,500,000

SECTION 3.070. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the Fast-Track Workforce Incentive Grant Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From Lottery Proceeds Fund (0291) $10,000,000

SECTION 3.075. — To the Department of Higher Education
For the Fast-Track Workforce Incentive Grant Program
From Fast-Track Workforce Incentive Grant Fund (0488) $10,000,000

SECTION 3.076. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the Marguerite Ross Barnett Scholarship Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) $413,375

SECTION 3.080. — To the Department of Higher Education
For Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients, the Public Service Officer or Employee

Survivor Grant Program pursuant to section 173.260, RSMo, the Veteran's Survivors Grant Program pursuant to section 173.234, RSMo, and the Marguerite Ross Barnett Scholarship Program pursuant to section 173.262, RSMo, provided that the Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients, the Public Service Officer or Employee Survivor Grant Program pursuant to section 173.260, RSMo, and the Veteran's Survivors Grant Program pursuant to section 173.234, RSMo, are funded at a level sufficient to make awards to all eligible students and that sufficient resources are reserved for students who may become eligible during the school year, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

From AP Incentive Grant Fund (0983). $100,000
From General Revenue Fund (0101) 468,000

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

From Marguerite Ross Barnett Scholarship Fund (0131) 500,000
Total $1,068,000

SECTION 3.095. — To the Department of Higher Education
For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo
From Kids' Chance Scholarship Fund (0878) $15,000

SECTION 3.100. — To the Department of Higher Education
For the Minority and Underrepresented Environmental Literacy Program pursuant to Section 640.240, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) $32,964

SECTION 3.105. — To the Department of Higher Education
For the Missouri Guaranteed Student Loan Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service $618,891
Expense and Equipment 2,478,693
Default prevention activities 640,000
Payment of fees for collection of defaulted loans 8,000,000
Payment of penalties to the federal government associated with late deposit of default collections 500,000
From Guaranty Agency Operating Fund (0880) (Not to exceed 15.80 F.T.E.) $12,237,584

SECTION 3.110. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the Guaranty Agency Operating Fund
From Federal Student Loan Reserve Fund (0881) $15,000,000

SECTION 3.115. — To the Department of Higher Education
For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund
From Federal Student Loan Reserve Fund (0881) $120,000,000

SECTION 3.120. — To the Department of Higher Education
For the transfer of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $750,000

SECTION 3.125. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury to the Federal Student Loan Reserve Fund
From Guaranty Agency Operating Fund (0880) $1,000,000

SECTION 3.130. — To the Department of Higher Education
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

SECTION 3.135. — To the Department of Higher Education
For the Division of Workforce Development
For general administration of Workforce Development activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service $17,223,507
Expense and Equipment 3,190,268
From Job Development and Training Fund (0155) 20,413,775

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

For funding for persons with autism through a contract with a Southeast Missouri organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) 200,000
Total (Not to exceed 344.02 F.T.E.) $21,113,775

SECTION 3.140. — To the Department of Higher Education
For the Certified Work Ready Community Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) $100,000

For an organization located in a city not within a county that provides cost-free education, training and apprenticeships for computer programming
From General Revenue Fund (0101) 500,000

For a Pre Apprenticeship program within any city not within a county to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position
From Job Development and Training Fund (0155) 300,000

For a historic local national organization, located within a home rule city with more than four hundred thousand inhabitants and located in more than one county, which enables disadvantaged persons to obtain self-sufficiency through job training and entrepreneurship
From Job Development and Training Fund (0155) 100,000

For a Workforce for Pre-Apprenticeship training in any home rule city with more than four hundred thousand inhabitants and located in more than one county
From General Revenue Fund (0101) 100,000
From Job Development and Training Fund (0155) 250,000

For an organization providing services in a city not within a county, that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals
From Job Development and Training Fund (0155) 600,000

For job training and related activities
From Job Development and Training Fund (0155) 66,750,000
From Special Employment Security Fund (0949) 2,000,000

For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development

From Job Development and Training Fund (0155) 8,000,000
Total $78,700,000

SECTION 3.145. — To the State Technical College of Missouri
For one-time deferred maintenance
From General Revenue Fund (0101) $500,000

SECTION 3.150. — To the Missouri University of Science and Technology
For phased expansion of Project Lead the Way in ten (10) southern Missouri counties. This funding will serve as state match for federal funding, and will provide pilot support for Project Lead the Way in Houston, Missouri in affiliation with Missouri University of Science and Technology
From General Revenue Fund (0101) $250,000

SECTION 3.155 — To Missouri Southern State University
For one-time funding for the expansion of academic programs and scholarships that assist in meeting the region's specific workforce needs in the areas of STEM and health sciences, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
From General Revenue Fund (0101) $1,800,000

SECTION 3.156 — To Crowder College
For a one-time nursing program expansion
From General Revenue Fund (0101) $332,500

SECTION 3.200. — To the Department of Higher Education
For distribution to community colleges as provided in Section 163.191, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130 and further provided that no institution requires students to join a labor organization
From General Revenue Fund (0101) $118,639,790
From Lottery Proceeds Fund (0291) 10,489,991

For distribution to community colleges for the purpose of equity adjustments
From General Revenue Fund (0101) 10,044,016

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

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 2,856,000
Total $146,426,515

SECTION 3.205. — To the State Technical College of Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $5,494,154
From Lottery Proceeds Fund (0291) 536,217

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 30,000
Total $6,060,371

SECTION 3.210. — To the University of Central Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $49,287,398
From Lottery Proceeds Fund (0291) 6,050,959

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $55,538,357

SECTION 3.215. — To Southeast Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $40,943,712
From Lottery Proceeds Fund (0291) 4,935,757

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $46,079,469

SECTION 3.220. — To Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $84,330,941
From Lottery Proceeds Fund (0291) 9,670,119

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 350,000
Total $94,351,060

SECTION 3.225. — To Lincoln University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $15,765,801
From Lottery Proceeds Fund (0291) 1,814,072

For the purpose of funding the federal match requirement in the areas of agriculture extension and/or research
From General Revenue Fund (0101) 3,890,320

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $21,670,193

SECTION 3.230. — To Truman State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $37,084,157
From Lottery Proceeds Fund (0291) 4,576,165

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $41,860,322

SECTION 3.235. — To Northwest Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101) $27,843,377
From Lottery Proceeds Fund (0291) 3,342,740

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $31,386,117

SECTION 3.240. — To Missouri Southern State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101) $21,599,731
From Lottery Proceeds Fund (0291) 2,431,511

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $24,231,242

SECTION 3.245. — To Missouri Western State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101) $19,852,428
From Lottery Proceeds Fund (0291) 2,394,327

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 275,000
Total $22,521,755

SECTION 3.250. — To Harris-Stowe State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101) $9,312,281
From Lottery Proceeds Fund (0291) 1,148,979

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 200,000
Total $10,661,260

SECTION 3.255. — To the University of Missouri

For operation of its various campuses and programs

All Expenditures

From General Revenue Fund (0101) $369,394,128
From Lottery Proceeds Fund (0291) 46,842,748

For the Greenley Research Center for research related to the "Water Works for Agriculture in Missouri" initiative
From General Revenue Fund (0101) 275,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 1,400,000
Total $417,911,876

SECTION 3.260. — To the University of Missouri
For the University of Missouri Precision Medicine Initiative
From General Revenue Fund (0101) $10,000,000

SECTION 3.265. — To the University of Missouri
For a program designed to increase international collaboration and economic opportunity located at the University of Missouri - St. Louis
From General Revenue Fund (0101) $550,000

SECTION 3.270. — To the University of Missouri
For the Missouri Telehealth Network, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $437,640

For the purpose of creating and implementing up to eight (8) Extension for Community Healthcare Outcomes Programs. Four (4) of the programs shall focus on Hepatitis, Diabetes, Chronic Pain Management, and Childhood Asthma
From General Revenue Fund (0101) 1,500,000
Total $1,937,640

SECTION 3.275. — To the University of Missouri
For a program of research into spinal cord injuries
All Expenditures
From Spinal Cord Injury Fund (0578) $1,500,000

SECTION 3.280. — To the University of Missouri
For the treatment of renal disease in a statewide program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $1,750,000

SECTION 3.285. — To the University of Missouri
For the State Historical Society, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures
From General Revenue Fund (0101) $3,563,170

SECTION 3.290. — To the Board of Curators of the University of Missouri
For investment in registered federal, state, county, municipal, or school district bonds as provided by law
From Seminary Fund (0872) $3,000,000

SECTION 3.295. — To the Board of Curators of the University of Missouri
For use by the University of Missouri pursuant to Sections 172.610 through 172.720, RSMo
From State Seminary Moneys Fund (0623) $275,000

PART 2

SECTION 3.300. — To the Department of Higher Education and public institutions of higher education
In reference to all sections in Part 1 of this act:
No funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students.

SECTION 3.305. — To the Department of Higher Education and public institutions of higher education
In reference to all sections in Part 1 of this act:
No scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

Bill Totals

General Revenue Fund	$944,062,570
Federal Funds	97,934,273
Other Funds	294,744,659
Total	$1,336,741,502

Approved June 10, 2019

CCS SCS HCS HB 4

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

PART 1

SECTION 4.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

SECTION 4.005. — To the Department of Revenue

For collecting highway related fees and taxes, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service	$7,479,551
Annual salary adjustment in accordance with section 105.005, RSMo	1,895
Expense and Equipment	3,465,934
From General Revenue Fund (0101)	10,947,380
Personal Service	7,659,970
Annual salary adjustment in accordance with section 105.005, RSMo	290
Expense and Equipment	6,319,820
From State Highways and Transportation Department Fund (0644)	13,980,080

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

Personal Service	
From General Revenue Fund (0101)	185,146
Total (Not to exceed 437.54 F.T.E.)	$25,112,606

SECTION 4.006. — To the Department of Revenue

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101)	$4,126
From Federal and Other Funds (Various)	1,554
Total	$5,680

SECTION 4.010. — To the Department of Revenue

For the Division of Taxation, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service	$19,202,363
Expense and Equipment	2,287,306
From General Revenue Fund (0101)	21,489,669
Personal Service	29,527
Expense and Equipment	1,071
From Petroleum Storage Tank Insurance Fund (0585)	30,598
Personal Service	35,940
Expense and Equipment	2,818
From Petroleum Inspection Fund (0662)	38,758
Personal Service	55,235
Expense and Equipment	4,163
From Health Initiatives Fund (0275)	59,398
Personal Service	600,575
Expense and Equipment	8,277
From Conservation Commission Fund (0609)	608,852

For organizational dues

From General Revenue Fund (0101)	212,401

For the integrated tax system

Expense and Equipment

From General Revenue Fund (0101)	7,500,000
Total (Not to exceed 509.00 F.T.E.)	$29,939,676

SECTION 4.015. — To the Department of Revenue

For the Division of Motor Vehicle and Driver Licensing, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service	$397,539
Expense and Equipment	380,232
From General Revenue Fund (0101)	777,771
Personal Service	2,819
Expense and Equipment	160,776
From Department of Revenue - Federal Fund (0132)	163,595

Personal Service 208,838
Expense and Equipment 245,840
From Motor Vehicle Commission Fund (0588) 454,678

Personal Service 7,107
Expense and Equipment 9,953
From Department of Revenue Specialty Plate Fund (0775). 17,060
Total (Not to exceed 32.05 F.T.E.) $1,413,104

SECTION 4.020. — To the Department of Revenue

For the Division of Legal Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service $2,094,934
Expense and Equipment 112,833
From General Revenue Fund (0101) 2,207,767

Personal Service 220,597
Expense and Equipment 211,154
From Department of Revenue - Federal Fund (0132) 431,751

Personal Service 457,461
Expense and Equipment 28,118
From Motor Vehicle Commission Fund (0588) 485,579

Personal Service 43,344
Expense and Equipment 3,323
From Tobacco Control Special Fund (0984) 46,667
Total (Not to exceed 64.30 F.T.E.) $3,171,764

SECTION 4.025. — To the Department of Revenue

For the Division of Administration, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service $1,460,295
Annual salary adjustment in accordance with section 105.005, RSMo 461
Expense and Equipment 317,804
From General Revenue Fund (0101) 1,778,560

Personal Service 56,284
Expense and Equipment 3,470,006
From Department of Revenue - Federal Fund (0132) 3,526,290

Personal Service 27,080
Expense and Equipment 2,089,841
From Child Support Enforcement Fund (0169) 2,116,921

For postage
Expense and Equipment
From General Revenue Fund (0101) 3,343,011
From Health Initiatives Fund (0275) 5,373
From Motor Vehicle Commission Fund (0588) 44,029
From Conservation Commission Fund (0609) 1,343
Total (Not to exceed 44.66 F.T.E.) $10,815,527

SECTION 4.030. — To the Department of Revenue
For the Rolling Stock Tax Credit Program
For distribution to any political subdivision(s) to offset tax credits awarded by the state of Missouri for property taxes levied on qualified rolling stock
From General Revenue Fund (0101) $200,000

SECTION 4.035. — To the Department of Revenue
For distribution to port authorities to expand, develop, and redevelop advanced industrial manufacturing zones including the satisfaction of bonds, managerial, engineering, legal, research, promotion, and planning expenses
From Port Authority AIM Zone Fund (0583) $100,000

SECTION 4.040. — To the Department of Revenue
For fees to counties as a result of delinquent collections made by circuit attorneys or prosecuting attorneys and payment of collection agency fees
From General Revenue Fund (0101) $2,900,000

SECTION 4.045. — To the Department of Revenue
For fees to counties for the filing of lien notices and lien releases
From General Revenue Fund (0101) $200,000

SECTION 4.050. — To the Department of Revenue
For distribution to cities and counties of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the Constitution of Missouri
From Motor Fuel Tax Fund (0673) $195,000,000

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

SECTION 4.060. — To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any payment credited to the General Revenue Fund
From General Revenue Fund (0101) $1,327,200,000

For refunds for overpayment or erroneous payment of any tax or any payment credited to the General Revenue Fund in excess of the consensus revenue estimate
From General Revenue Fund (0101) 100,000,000
Total $1,427,200,000

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

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

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

SECTION 4.080. — To the Department of Revenue
For refunds and distributions of motor fuel taxes
From State Highways and Transportation Department Fund (0644) $16,814,000

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

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

SECTION 4.095. — To the Department of Revenue
For apportionments to the several counties and the City of St. Louis to offset credits taken against the County Stock Insurance Tax
From General Revenue Fund (0101) $135,700

SECTION 4.100. — To the Department of Revenue
For tax delinquencies set off by tax credits
From General Revenue Fund (0101) $150,000

SECTION 4.105. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Debt Offset Escrow Fund in such amounts as may be necessary to make payments of refunds set off against debts as required by Section 143.786, RSMo
From General Revenue Fund (0101) $19,657,384

SECTION 4.110. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Circuit Courts Escrow Fund in such amounts as may be necessary to make payments of refunds set off against debts as required by Section 488.020(3), RSMo
From General Revenue Fund (0101) $4,074,458

SECTION 4.115. — To the Department of Revenue
For refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $1,339,119

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

SECTION 4.125. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the General Revenue Fund in the amount of sixty-six hundredths percent of the funds received
From Parks Sales Tax Fund (0613) $325,000

SECTION 4.130. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the General Revenue Fund in the amount of sixty-six hundredths percent of the funds received
From Soil and Water Sales Tax Fund (0614) $325,000

SECTION 4.135. — To the Department of Revenue
Funds are to be transferred out of the State Treasury for amounts from income tax refunds designated by taxpayers for deposit in various income tax check-off funds
From General Revenue Fund (0101) $471,000

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

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

SECTION 4.150. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the State Highways and Transportation Department Fund
From Department of Revenue Information Fund (0619) $1,250,000

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

SECTION 4.160. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the State Highways and Transportation Department Fund
From Department of Revenue Specialty Plate Fund (0775) $20,000

SECTION 4.165. — To the Department of Revenue
For the State Tax Commission, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and three percent (3%) flexibility is allowed from this section to Section 4.175
Personal Service $2,089,760
Annual salary adjustment in accordance with section 105.005, RSMo 6,575
Expense and Equipment 166,977
From General Revenue Fund (0101) 2,263,312

For the Productive Capability of Agricultural and Horticultural Land Use Study
Expense and Equipment
From General Revenue Fund (0101) 3,798
Total (Not to exceed 37.00 F.T.E.) $2,267,110

SECTION 4.170. — To the Department of Revenue
For the state's share of the costs and expenses incurred pursuant to an approved assessment and equalization maintenance plan as provided by Chapter 137, RSMo
From General Revenue Fund (0101) $10,022,739

SECTION 4.175. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo
From General Revenue Fund (0101) $1

SECTION 4.180. — To the Department of Revenue
For the State Lottery Commission, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and all moneys received by the State Lottery Commission from the sale of Missouri lottery tickets and from all other sources shall be deposited in the State Lottery Fund, pursuant to Article III, Section 39(b) of the Missouri Constitution
Personal Service $7,325,225
Expense and Equipment, excluding any purposes for which appropriations have been made elsewhere in this section 8,968,290

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the State Lottery Commission, excluding any purposes for which appropriations have been made elsewhere in this section 29,371,477

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of no more than 500 video pull tab machines with a maximum of six machines per location infraternal organizations only 9,194,385

For advertising expenses 5,000,000
From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.) $59,859,377

SECTION 4.185. — To the Department of Revenue
For the State Lottery Commission
For the payment of prizes
From State Lottery Fund (0682) $174,075,218

SECTION 4.190. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Lottery Enterprise Fund
From State Lottery Fund (0682) $76,294,439

SECTION 4.195. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Lottery Proceeds Fund
From State Lottery Fund (0682) $333,000,000

SECTION 4.400. — To the Department of Transportation
For the Highways and Transportation Commission and Highway Program Administration
Personal Service $19,257,790
Expense and Equipment 7,347,562
From State Road Fund (0320) 26,605,352

For costs related to license plate reissuance
Expense and Equipment
From State Road Fund (0320) 9,000,000

For Organizational Dues
From Multimodal Operations Federal Fund (0126) 5,000
From State Road Fund (0320) 70,000
From Railroad Expense Fund (0659) 5,000
Total (Not to exceed 347.57 F.T.E.) $35,685,352

SECTION 4.401. — To the Department of Transportation
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From Federal and Other Funds (Various) $9,237

SECTION 4.405. — To the Department of Transportation
For department-wide fringe expenses
For Administration fringe benefits
Personal Service $14,466,199
Expense and Equipment 19,089,430
From State Road Fund (0320) 33,555,629

For Construction Program fringe benefits
Personal Service 52,900,835
Expense and Equipment 685,000
From State Road Fund (0320) 53,585,835

For Maintenance Program fringe benefits
Personal Service
From Department of Transportation - Highway Safety Fund (0149) 255,230

Personal Service 121,314,124
Expense and Equipment 6,653,778
From State Road Fund (0320) 127,967,902

For Fleet, Facilities, and Information Systems fringe benefits
Personal Service 10,888,631
Expense and Equipment 244,493
From State Road Fund (0320) 11,133,124

For Multimodal Operations fringe benefits
Personal Service
From Multimodal Operations Federal Fund (0126) 244,445
From State Road Fund (0320) 363,842
From Railroad Expense Fund (0659) 369,066
From State Transportation Fund (0675) 123,950
From Aviation Trust Fund (0952) 392,294
Total $227,991,317

SECTION 4.410. — To the Department of Transportation
For the Construction Program
To pay the cost of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges and to expend funds from the United States Government for like purposes
Personal Service $69,491,528
Expense and Equipment 19,558,170

Construction 1,158,644,499
From State Road Fund (0320) 1,247,694,197

For all expenditures associated with paying outstanding state road bond debt, provided fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund
From State Road Fund (0320) 117,388,981
From State Road Bond Fund (0319) 201,259,881
Total (Not to exceed 1,324.44 F.T.E.) $1,566,343,059

SECTION 4.413. — To the Department of Transportation
For the Construction Program
To pay for expenses related to flood response and for immediate response to damaged roads and bridges
Expense and Equipment
From the State Road Fund (0320) $5,000,000

SECTION 4.415. — To the Department of Transportation
There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amount as may be necessary to pay the debt service for state road bonds issued by the state Highways and Transportation Commission with a term not to exceed seven years and annual debt service not to exceed $49,594,962, payable in accordance with a financing agreement between the Commission and the Office of Administration, with the state road bonds issued with respect to said financing agreement not to exceed $301,000,000 of costs to plan, design, construct, reconstruct, rehabilitate, and make significant repairs to bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program, to be deposited into the State Road Fund
From General Revenue Fund (0101) $49,594,962

SECTION 4.420. — To the Department of Transportation
For all expenditures associated with paying debt service of outstanding state road bonds issued by the state Highways and Transportation Commission pursuant to a financing agreement between the Commission and the Office of Administration related to the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program
From State Road Fund (0320) $49,594,962

SECTION 4.425. — To the Department of Transportation
For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program to be funded from state road bond proceeds
From State Road Fund (0320) $301,000,000

SECTION 4.426. — To the Department of Transportation

Funds are to be transferred out of the State Treasury to the State Road Fund

From General Revenue Fund (0101) $50,000,000

SECTION 4.427. — To the Department of Transportation

For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program

From State Road Fund (0320) $50,000,000

SECTION 4.430. — To the Department of Transportation

For a transportation cost-share program with local communities, provided that these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted state transportation and improvement plan, including all amendments thereto, as of the date of passage of this bill by the General Assembly, and provided that the Department of Transportation and the Department of Economic Development work cooperatively to select projects with the greatest economic benefit to the State

From General Revenue Fund (0101) $50,000,000

SECTION 4.435. — To the Department of Transportation

For the Maintenance Program

For preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation, maintenance, and safety of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and equipment

Personal Service $330,892

Expense and Equipment 54,393

From Department of Transportation - Highway Safety Fund (0149) 385,285

Personal Service 149,472,489

Expense and Equipment 223,906,284

From State Road Fund (0320) 373,378,773

Expense and Equipment

From Motorcycle Safety Trust Fund (0246) 425,000

For allotments, grants, and contributions from grants of National Highway Safety Act moneys for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses 1

For allotments, grants, and contributions from grants of National Highway Safety Act moneys for highway safety education and enforcement programs

and their related administrative expenses, excluding expenses related to vehicle checkpoints where motorists may be detained without individualized reasonable suspicion 18,999,999
From Department of Transportation - Highway Safety Fund (0149) 19,000,000

For the Motor Carrier Safety Assistance Program
From Motor Carrier Safety Assistance Program/Division of Transportation - Federal Fund (0185) 3,299,725
Total (Not to exceed 3,543.93 F.T.E.) $396,488,783

SECTION 4.437. — To the Department of Transportation
For the Maintenance Program
To pay for expenses related to flood response and for immediate response to damaged roads and bridges
Personal Services $500,000
Fringe Benefits 328,250
Expense and Equipment 10,000,000
From the State Road Fund (0320) $10,828,250

SECTION 4.440. — To the Department of Transportation
For Fleet, Facilities, and Information Systems
For constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service $14,597,680
Expense and Equipment 75,200,000
From State Road Fund (0320) (Not to exceed 296.25 F.T.E.) $89,797,680

SECTION 4.445. — To the Department of Transportation
For refunding any tax or fee credited to the State Highways and Transportation Department Fund $1,000,000

For refunds and distributions of motor fuel taxes 25,000,000
From State Highways and Transportation Department Fund (0644) $26,000,000

SECTION 4.450. — To the Department of Transportation
Funds are to be transferred out of the State Treasury to the State Road Fund
From State Highways and Transportation Department Fund (0644) $510,000,000

SECTION 4.455. — To the Department of Transportation
For Multimodal Operations Administration
Personal Service $327,042
Expense and Equipment 269,600
From Multimodal Operations Federal Fund (0126) 596,642

Personal Service 487,295
Expense and Equipment 39,852
From State Road Fund (0320) 527,147

Personal Service 484,320
Expense and Equipment 145,000
From Railroad Expense Fund (0659) 629,320

Personal Service 167,235
Expense and Equipment 26,220
From State Transportation Fund (0675) 193,455

Personal Service 520,351
Expense and Equipment 24,827
From Aviation Trust Fund (0952) 545,178
Total (Not to exceed 35.68 F.T.E.) $2,491,742

SECTION 4.460. — To the Department of Transportation
For Multimodal Operations
Funds are to be transferred out of the State Treasury to the State Road Fund for providing professional and technical services and administrative support of the multimodal program
From Multimodal Operations Federal Fund (0126) $167,000
From Railroad Expense Fund (0659) 690,000
From State Transportation Fund (0675) 70,000
From Aviation Trust Fund (0952) 151,134
Total $1,078,134

SECTION 4.465. — To the Department of Transportation
For Multimodal Operations
For loans from the State Transportation Assistance Revolving Fund to political subdivisions of the state or to public or private not-for-profit organizations or entities in accordance with Section 226.191, RSMo
From State Transportation Assistance Revolving Fund (0841) $1,000,000

SECTION 4.470. — To the Department of Transportation
For the Transit Program
For distributing funds to urban, small urban, and rural transportation systems
From State Transportation Fund (0675) $1,710,875

SECTION 4.475. — To the Department of Transportation
For the Transit Program
For locally matched capital improvement grants under Sections 5310 and 5317, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act, provided twenty-five

percent (25%) flexibility is allowed between Sections 4.475, 4.485, 4.490, 4.495 and 4.500
From Multimodal Operations Federal Fund (0126) $10,600,000

SECTION 4.480. — To the Department of Transportation
For the Transit Program
For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low income individuals, provided three percent (3%) flexibility is allowed from this section to Section 4.550
From General Revenue Fund (0101) $1,725,522
From State Transportation Fund (0675) 1,274,478
Total $3,000,000

SECTION 4.485. — To the Department of Transportation
For the Transit Program
For locally matched grants to small urban and rural areas under Sections 5311 and 5316, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.475, 4.485, 4.490, 4.495 and 4.500
From Multimodal Operations Federal Fund (0126) $31,000,000

SECTION 4.490. — To the Department of Transportation
For the Transit Program
For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services, provided twenty-five percent (25%) flexibility is allowed between Sections 4.475, 4.485, 4.490, 4.495 and 4.500
From Multimodal Operations Federal Fund (0126) $1,000,000

SECTION 4.495. — To the Department of Transportation
For the Transit Program
For grants to metropolitan areas under Section 5303, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.475, 4.485, 4.490, 4.495 and 4.500
From Multimodal Operations Federal Fund (0126) $1,000,000

SECTION 4.500. — To the Department of Transportation
For the Transit Program
For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities, provided twenty-five percent (25%) flexibility is allowed between Sections 4.475, 4.485, 4.490, 4.495 and 4.500
From Multimodal Operations Federal Fund (0126) $5,900,000

SECTION 4.505. — To the Department of Transportation
For the Light Rail Safety Program
From Multimodal Operations Federal Fund (0126) $505,962
From State Transportation Fund (0675) 126,491
Total $632,453

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 4.510. — To the Department of Transportation
For the Rail Program
For passenger rail service in Missouri
From General Revenue Fund (0101) $9,100,000

SECTION 4.515. — To the Department of Transportation
For station repairs and improvements at Missouri Amtrak stations
From State Transportation Fund (0675) $25,000

SECTION 4.520. — To the Department of Transportation
For protection of the public against hazards existing at railroad crossings pursuant to Chapter 389, RSMo
From Grade Crossing Safety Account (0290) $3,000,000

SECTION 4.525. — To the Department of Transportation
For the Aviation Program
For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories
From Aviation Trust Fund (0952) $10,000,000

For the construction of a commercial terminal facility at a joint-use military and civilian airport located in a county of the third classification without a township form of government and with more than fifty-two thousand but fewer than seventy thousand inhabitants
From General Revenue Fund (0101) 1,750,000
Total $11,750,000

SECTION 4.530. — To the Department of Transportation
For the Aviation Program
For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program
From Multimodal Operations Federal Fund (0126) $35,000,000

SECTION 4.535. — To the Department of Transportation
For the Waterways Program
For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts, provided that three percent (3%) flexibility is allowed from this section to Section 4.550
From General Revenue Fund (0101) $6,400,000
From State Transportation Fund (0675) 600,000
Total $7,000,000

SECTION 4.540. — To the Department of Transportation
For the Federal Rail, Port and Freight Assistance Program
From Multimodal Operations Federal Fund (0126) $26,000,000

SECTION 4.545. — To the Department of Transportation
For the Freight Enhancement Program
For projects to improve connectors for ports, rail, and other non-highway transportation systems
From State Transportation Fund (0675) $1,000,000

SECTION 4.550. — To the Department of Transportation
Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo
From General Revenue Fund (0101) $1

PART 2

SECTION 4.600. — To the Department of Transportation
In reference to Section 4.400 through and including Section 4.550 of Part 1 of this act:
No funds shall be expended for the development, implementation, advancement, construction, maintenance, or operation of toll roads on interstate highways.

Department of Revenue Totals
General Revenue Fund $64,793,381
Federal Funds 4,121,909
Other Funds 446,925,212
Total $515,840,502

Department of Transportation Totals
General Revenue Fund $168,570,485
Federal Funds 134,792,908
Other Funds 2,630,585,318
Total $2,933,948,711

Approved June 10, 2019

CCS SCS HCS HB 5

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 5.005. — To the Office of Administration

For the Commissioner's Office, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150 and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service $775,754
Annual salary adjustment in accordance with Section 105.005, RSMo 2,585
Expense and Equipment 711,868
From General Revenue Fund (0101) 1,490,207

Expense and Equipment
From Federal Funds (0163) 250,000

For the Office of Equal Opportunity

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

Personal Service 299,925
Expense and Equipment 83,722
From General Revenue Fund (0101) 383,647
Total (Not to exceed 17.50 F.T.E.) $2,123,854

SECTION 5.006. — To the Office of Administration

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $4,844
From Federal and Other Funds (Various) 5,037
Total $9,881

SECTION 5.007. — To the Office of Administration

For the Commissioner's Office

For funding a pilot program that monitors individuals subject to pre- conviction or post-conviction supervision through a check-in system that the supervising agency or circuit can access through a secure web-based platform; a secondary objective is to establish exclusion zones and compliance levels through a platform capable of generating relevant reports; supervision of defendants when implementing Supreme Court Rule 33.01 relating to a pre-trial defendant's right to release. Such option shall (1) ensures the elimination of monetary incentives for conviction, (2) equally accessible by all defendants the court deems appropriate, regardless of their ability to pay, (3) unlimited

access for use by all circuits and counties at no cost to the circuits and counties, and (4) provides budget certainty for the State
From General Revenue Fund (0101) $5,000,000

SECTION 5.010. — To the Office of Administration
For the Division of Accounting, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150 and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment
Personal Service $3,068,513
Expense and Equipment 132,295
From General Revenue Fund (0101) (Not to exceed 70.00 F.T.E.) $3,200,808

SECTION 5.015. — To the Office of Administration
For the Division of Budget and Planning, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that no more than fifteen percent (15%) flexibility is allowed between personal service and expense and equipment
Personal Service $1,817,947
Expense and Equipment 68,600
From General Revenue Fund (0101) 1,886,547

For census preparation
From General Revenue Fund (0101) 253,968

For enterprise resource planning system team lead
From General Revenue Fund (0101) 85,191
Total (Not to exceed 29.00 F.T.E.) $2,225,706

SECTION 5.020. — To the Office of Administration
For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.020, provided that one hundred percent (100%) flexibility is allowed from this section to 5.025, and 5.030 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025 and 5.030 between federal funds and between other funds
For Information Technology Services Division billings
Personal Service $8,652,830
Expense and Equipment 42,035,570
From Missouri Revolving Information Technology Trust Fund (0980) 50,688,400

For providing state wide information technology applications, infrastructure and administrative support
Personal Service 2,860,677
Expense and Equipment 6,317,269
From General Revenue Fund (0101) 9,177,946

Personal Service 4,273,318
Expense and Equipment 2,741,934
From OA Information Technology Federal Fund (0165) 7,015,252

For funding information technology security enhancements
Personal Service 1,505,326
Expense and Equipment 7,500,000
From General Revenue Fund (0101) 9,005,326
Total (Not to exceed 308.46 F.T.E.) $75,886,924

SECTION 5.025. — To the Office of Administration
For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.025, provided that one hundred percent (100%) flexibility is allowed from this section to Section 5.030 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.030 between federal funds and between other funds

For the Department of Elementary and Secondary Education
Personal Service $424,292
Expense and Equipment 397,745
From General Revenue Fund (0101) 822,037

From OA Information Technology Federal Fund (0165) 3,394,060
From Other Funds (Various) 253,750

For the Department of Higher Education
Personal Service 302,070
Expense and Equipment 287,712
From General Revenue Fund (0101) 589,782

From OA Information Technology Federal Fund (0165) 2
From Other Funds (Various) 247,080

For the Department of Revenue
Personal Service 2,925,114

Expense and Equipment 15,311,639
From General Revenue Fund (0101) 18,236,753

From OA Information Technology Federal Fund (0165) 2
From Other Funds (Various) 2,938,296

For the Office of Administration
Personal Service 812,166
Expense and Equipment 2,037,246
From General Revenue Fund (0101) 2,849,412

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

From OA Information Technology Federal Fund (0165) 2
From Other Funds (Various) 569,406

For the Department of Agriculture
Personal Service 211,698
Expense and Equipment 267,439
From General Revenue Fund (0101) 479,137

From OA Information Technology Federal Fund (0165) 2
From Other Funds (Various) 430,468

For the Department of Natural Resources
Personal Service 239,077
Expense and Equipment 13,911
From General Revenue Fund (0101) 252,988

From OA Information Technology Federal Fund (0165) 1,532,866
From Other Funds (Various) 5,648,988

For the Department of Economic Development
Personal Service 181,023
Expense and Equipment 201,891
From General Revenue Fund (0101) 382,914

From OA Information Technology Federal Fund (0165) 2,403,601
From Other Funds (Various) 1,156,133

For the Department of Insurance, Financial Institutions and Professional Registration
From Other Funds (Various) 2,297,707

For the Department of Labor and Industrial Relations
Personal Service 1
Expense and Equipment 14,445
From General Revenue Fund (0101) 14,446

From DOLIR Administrative Fund (0122) 2,886,837
From OA Information Technology Federal Fund (0165) 3,763,958
From Other Funds (Various) 15,526,878

For the Department of Public Safety
Personal Service 517,908
Expense and Equipment 238,454
From General Revenue Fund (0101) 756,362

From OA Information Technology Federal Fund (0165) 48,670
From Other Funds (Various) 1,465,731

For the Department of Corrections
Personal Service 1,397,106

Expense and Equipment 3,977,311
From General Revenue Fund (0101) 5,374,417

From OA Information Technology Federal Fund (0165) 2
From Other Funds (Various) 201,010

For the Department of Health and Senior Services
Personal Service 1,254,904
Expense and Equipment 221,384
From General Revenue Fund (0101) 1,476,288

From OA Information Technology Federal Fund (0165) 8,531,216
From Other Funds (Various) 2,147,935

For the Department of Mental Health
Personal Service 2,791,642
Expense and Equipment 2,866,177
From General Revenue Fund (0101) 5,657,819

From OA Information Technology Federal Fund (0165) 3,706,861

For the Department of Social Services
Personal Service 1,550,291
Expense and Equipment 1,281,555
From General Revenue Fund (0101) 2,831,846

From OA Information Technology Federal Fund (0165) 36,452,620
From Other Funds (Various) 1,267,704
Total (Not to exceed 660.04 F.T.E.) $136,595,986

SECTION 5.030. — To the Office of Administration
For the Information Technology Services Division
For on going information technology projects, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.030, provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025, and 5.030 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025 and 5.030 between federal funds and between other funds

For the Department of Elementary and Secondary Education
Personal Service $232,482
Expense and Equipment 100,003
From General Revenue Fund (0101) 332,485
From Federal Funds or Other Funds (Various) 593,268

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 188,601

For the Department of Higher Education
Personal Service 41,634
Expense and Equipment 16,251
From General Revenue Fund (0101) 57,885
From Federal Funds or Other Funds (Various) 10,099

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 510

For the Department of Revenue
Personal Service 1,206,108
Expense and Equipment 8,836,001
From General Revenue Fund (0101) 10,042,109
From Federal Funds or Other Funds (Various) 47,851

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

For the Office of Administration
Personal Service 902,094
Expense and Equipment 1
From General Revenue Fund (0101) 902,095
From Federal Funds or Other Funds (Various) 8,199

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 5,369

For the Department of Agriculture
Personal Service 64,968
Expense and Equipment 1
From General Revenue Fund (0101) 64,969
From Federal Funds or Other Funds (Various) 4,121

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 109,864

For the Department of Natural Resources
Personal Service 168,383
Expense and Equipment 1
From General Revenue Fund (0101) 168,384
From Federal Funds or Other Funds (Various) 1,334,807

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 141,030

For the Department of Economic Development
Personal Service 99,053
Expense and Equipment 200,003

From General Revenue Fund (0101) 299,056
From Federal Funds or Other Funds (Various) 405,622

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 93,255

For the Department of Insurance, Financial Institutions and Professional Registration
From Federal Funds or Other Funds (Various) 401,409

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

For the Department of Labor and Industrial Relations
Personal Service and/or
Expense and Equipment
From General Revenue Fund (0101) 1
From Federal Funds or Other Funds (Various) 27,077,666

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

For the Department of Public Safety
Personal Service 215,832
Expense and Equipment 280,483
From General Revenue Fund (0101) 496,315
From Federal Funds or Other Funds (Various) 365,833

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 18,604

For the Department of Corrections
Personal Service 908,804
Expense and Equipment 4,500,001
From General Revenue Fund (0101) 5,408,805
From Federal Funds or Other Funds (Various) 47,339

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 1

For the Department of Health and Senior Services
Personal Service 564,776
Expense and Equipment 40,001
From General Revenue Fund (0101) 604,777
From Federal Funds or Other Funds (Various) 17,698,861

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

For the Department of Mental Health
Personal Service 2,458,095
Expense and Equipment 1
From General Revenue Fund (0101) 2,458,096
From Federal Funds or Other Funds (Various) 5,081

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

For the Department of Social Services
Personal Service 1,534,534
Expense and Equipment 1
From General Revenue Fund (0101) 1,534,535
From Federal Funds or Other Funds (Various) 3,203,089

For information technology projects started during the fiscal year
From Missouri Revolving Information Technology Trust Fund (0980) 2
Total $74,130,003

SECTION 5.035. — To the Office of Administration
For the Information Technology Services Division
For the centralized telephone billing system
Expense and Equipment
From Missouri Revolving Information Technology Trust Fund (0980) $44,700,697

SECTION 5.040. — To the Office of Administration
Funds are to be transferred out of the State Treasury, to the eProcurement and State Technology Fund
From Missouri Revolving Information Technology Trust Fund (0980) $4,000,000

For receiving and expending funds for eProcurement activities
From eProcurement and State Technology Fund (0495) 3,000,000
Total $7,000,000

SECTION 5.045. — To the Office of Administration
For the Information Technology Services Division
For replacement of the statewide accounting and budgeting systems, including consulting and procurement, per a memorandum of understanding between the Missouri House of Representatives, the Missouri Senate, the Office of Administration, and the Judiciary
From General Revenue Fund (0101) $4,000,000
From Federal Funds (Various) 1,500,000
From Other Funds (Various) 6,000,000
Total $11,500,000

SECTION 5.050. — To the Office of Administration
For the Division of Personnel, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided

that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $2,900,804
Expense and Equipment 88,146
From General Revenue Fund (0101) 2,988,950

Personal Service 184,969
Expense and Equipment 471,489
From Office of Administration Revolving Administrative Trust Fund (0505) 656,458

Personal Service 96,552
Expense and Equipment 3,600
From Missouri Revolving Information Technology Trust Fund (0980) 100,152
Total (Not to exceed 72.97 F.T.E.) $3,745,560

SECTION 5.055. — To the Office of Administration
For the Division of Personnel, for a Continuous/Improvement/Lean Program
From General Revenue Fund (0101) $100,000
From Office of Administration Revolving Administrative Trust Fund (0505) 200,000
Total $300,000

SECTION 5.060. — To the Office of Administration
For the Division of Personnel, for design and implementation of reward for performance
From General Revenue Fund (0101) $940,000
From Federal Funds (Various) 166,000
From Other Funds (Various) 394,000
Total $1,500,000

SECTION 5.065. — To the Office of Administration
For the Division of Personnel, for an employee suggestion program
From General Revenue Fund (0101) $20,000

SECTION 5.070. — To the Office of Administration
For the Division of Purchasing and Materials Management, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $1,859,367

Expense and Equipment 77,203
From General Revenue Fund (0101) 1,936,570

For Contract Review
Personal Service
From General Revenue Fund (0101) 143,401
From Department of Mental Health Federal Fund (0148) 10,018
From Job Development and Training Fund (0155) 1,278

From Department of Labor and Industrial Relations Administrative Fund (0122)..... 2,601
From DNR Cost Allocation Fund (0500)..... 6,119
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (0503)..... 2,090
From Department of Economic Development Administrative Fund (0547)..... 1,616
From Agriculture Protection Fund (0970)..... 1,596
From State Facility Maintenance and Operation Fund (0501)..... 6,846
Total (Not to exceed 37.00 F.T.E.)..... $2,112,135

SECTION 5.075. — To the Office of Administration
For the Division of Purchasing and Materials Management
For refunding bid and performance bonds
From Office of Administration Revolving Administrative Trust Fund (0505)..... $3,000,000

SECTION 5.080. — To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For authority to spend donated funds to support renovations and operations of the Governor's Mansion
From State Facility Maintenance and Operation Fund (0501)..... $60,000

SECTION 5.085. — To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For any and all expenditures necessary for funding the operations of the Board of Public Buildings, state owned and leased office buildings, institutional facilities, laboratories, and support facilities, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service..... $20,213,032
Expense and Equipment..... 31,040,866
From State Facility Maintenance and Operation Fund (0501) (Not to exceed 504.25 F.T.E.)..... $51,253,898

SECTION 5.090. — To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For funding expenditures associated with the State Capitol Commission Expense and Equipment
From State Capitol Commission Fund (0745)..... $25,000

SECTION 5.095. — To the Board of Public Buildings
For the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For modifications, replacement, repair costs, and other support services at state operated facilities or institutions when recovery is obtained from a third party including energy rebates or disaster recovery
From State Facility Maintenance and Operation Fund (0501)..... $2,000,000

SECTION 5.100. — To the Office of Administration
For the Division of General Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $924,692
Expense and Equipment 64,403
From General Revenue Fund (0101) 989,095

Personal Service 2,980,747
Expense and Equipment 979,728
From Office of Administration Revolving Administrative Trust Fund (0505) 3,960,475
Total (Not to exceed 103.00 F.T.E.) $4,949,570

SECTION 5.105. — To the Office of Administration
For the Division of General Services
For the operation of the State Agency for Surplus Property

Personal Service $875,743
Expense and Equipment 646,020
From Federal Surplus Property Fund (0407) (Not to exceed 21.00 F.T.E.) $1,521,763

SECTION 5.110. — To the Office of Administration
For the Division of General Services
For the Fixed Price Vehicle Program
Expense and Equipment
From Federal Surplus Property Fund (0407) $1,495,994

SECTION 5.115. — To the Office of Administration
Funds are to be transferred out of the State Treasury, to the Department of Social Services for the heating assistance program, as provided by Section 34.032, RSMo
From Federal Surplus Property Fund (0407) $30,000

SECTION 5.120. — To the Office of Administration
For the Division of General Services
For the disbursement of surplus property sales receipts
From Proceeds of Surplus Property Sales Fund (0710) $299,894

SECTION 5.125. — To the Office of Administration
Funds are to be transferred out of the State Treasury, to various state agency funds
From Proceeds of Surplus Property Sales Fund (0710) $3,000,000

SECTION 5.130. — To the Office of Administration
Funds are to be transferred out of the State Treasury, to the State Property Preservation Fund
From Other Funds (Various) $25,000,000

SECTION 5.135. — To the Office of Administration
For the Division of General Services
For the repair or replacement of state owned or leased facilities that have suffered damage from natural or man-made events or for the defeasance of outstanding debt secured by the damaged facilities when a notice of coverage has been issued by the Commissioner of Administration, as provided by Sections 37.410 through 37.413, RSMo
From State Property Preservation Fund (0128) $25,000,000

SECTION 5.140. — To the Office of Administration
For the Division of General Services
For rebillable expenses and for the replacement or repair of damaged equipment when recovery is obtained from a third party
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund (0505) $15,480,000

SECTION 5.145. — To the Office of Administration
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $18,625,000
From Federal and Other Funds (Various) 15,000,000
Total $33,625,000

SECTION 5.150. — To the Office of Administration
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

SECTION 5.155. — To the Office of Administration
For the Division of General Services
For the payment of claims and expenses as provided by Section 105.711 et seq., RSMo, and for purchasing insurance against any or all liability of the State of Missouri or any agency, officer, or employee thereof
From State Legal Expense Fund (0692) $100,000,000

SECTION 5.160. — To the Office of Administration
For the Administrative Hearing Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that no more than twenty percent (20%) flexibility is allowed between personal service and expense and equipment
Personal Service $1,003,580
Annual salary adjustment in accordance with Section 105.005, RSMo 9,110
Expense and Equipment 62,552
From General Revenue Fund (0101) 1,075,242

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Personal Service 77,354
Annual salary adjustment in accordance with Section 105.005, RSMo 1,551
Expense and Equipment 56,715
From Administrative Hearing Commission Educational Due Process Hearing Fund (0818) 135,620
Total (Not to exceed 16.50 F.T.E.) $1,210,862

SECTION 5.165. — To the Office of Administration
For funding the Office of Child Advocate, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $232,113
Expense and Equipment 8,103
From General Revenue Fund (0101) 240,216

Personal Service 131,795
Expense and Equipment 14,825
From Office of Administration - Federal Fund (0135) 146,620
Total (Not to exceed 6.00 F.T.E.) $386,836

SECTION 5.170. — To the Office of Administration
For the administrative, promotional, and programmatic costs of the Children's Trust Fund Board as provided by Section 210.173, RSMo provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $288,346
Expense and Equipment 812,092
For Program Disbursements 2,100,000
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.) $3,200,438

SECTION 5.175. — To the Office of Administration
For funding the Governor's Council on Disability, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $184,520
Expense and Equipment 24,618
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.) $209,138

SECTION 5.180. — To the Office of Administration
For those services provided through the Office of Administration that are contracted with and reimbursed by the Board of Trustees of the Missouri Public Entity Risk Management Fund as provided by Chapter 537, RSMo
Personal Service $706,759
Expense and Equipment 47,500
From Office of Administration Revolving Administrative Trust Fund (0505) (Not to exceed 14.00 F.T.E.) $754,259

SECTION 5.185. — To the Office of Administration
For the Missouri Ethics Commission
Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $1,245,711
Expense and Equipment 294,834
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.) $1,540,545

SECTION 5.190. — To the Office of Administration
For the Division of Accounting
For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds
From General Revenue Fund (0101) $61,617,701
From Facilities Maintenance Reserve Fund (0124) 12,621,832
Total $74,239,533

SECTION 5.195. — To the Office of Administration
For the Division of Accounting
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of House Bill 5 debt
From General Revenue Fund (0101) $30,654

SECTION 5.200. — To the Office of Administration
For the Division of Accounting
For payment of the state's lease/purchase debt requirements
From State Facility Maintenance and Operation Fund (0501) $2,411,807

SECTION 5.205. — To the Office of Administration
For the Division of Accounting
For MOHEFA debt service and all related expenses associated with the Series 2011 MU Columbia Arena project bonds
From General Revenue Fund (0101) $2,520,875

SECTION 5.210. — To the Office of Administration
For the Division of Accounting
For debt service and all related expenses associated with the State Historical Society Project bonds issued through the Missouri Development Finance Board
From General Revenue Fund (0101) $2,322,594

SECTION 5.215. — To the Office of Administration
For transferring funds to the Fulton State Hospital Bond Fund for debt payments on bonds issued by the Missouri Development Finance Board pursuant to a finance agreement between the Missouri Development Finance Board, Office of Administration, and Department of Mental Health for a project to

replace Fulton State Hospital not to exceed $220 million in total bonding principal and for related expenses
From General Revenue Fund (0101) $12,341,638

SECTION 5.220. — To the Office of Administration
For the Division of Accounting
For debt service related to the Fulton State Hospital bonds
From Fulton State Hospital Bond Fund (0396) $12,346,138

SECTION 5.225. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For debt service related to guaranteed energy cost savings contracts
From Facilities Maintenance Reserve Fund (0124) $3,898,878

SECTION 5.230. — To the Office of Administration
For the Division of Accounting
For Debt Management
Expense and Equipment
From General Revenue Fund (0101) $83,300

SECTION 5.235. — To the Office of Administration
For the Division of Accounting
For the Bartle Hall Convention Center expansion, operations, development, or maintenance in Kansas City pursuant to Sections 67.638 through 67.641, RSMo
From General Revenue Fund (0101) $2,000,000

SECTION 5.240. — To the Office of Administration
For the Division of Accounting
For the maintenance of the Jackson County Sports Complex pursuant to Sections 67.638 through 67.641, RSMo
From General Revenue Fund (0101) $3,000,000

SECTION 5.245. — To the Office of Administration
For the Division of Accounting
For debt service and maintenance on the Edward Jones Dome project in St. Louis
From General Revenue Fund (0101) $12,000,000

SECTION 5.250. — To the Office of Administration
For the Division of Accounting
For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government
From General Revenue Fund (0101) $500,000
From Federal Funds (0135) 20,000
From Other Funds (0407) 20,000
Total $540,000

SECTION 5.255. — To the Office of Administration

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

From Budget Reserve Fund and Other Funds to General Revenue Fund (Various) $550,000,000

From Budget Reserve Fund and Other Funds to Other Funds (Various) 100,000,000

Total $650,000,000

SECTION 5.260. — To the Office of Administration

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

From General Revenue Fund (0101) $550,000,000

From Other Funds (Various) 100,000,000

Total $650,000,000

SECTION 5.265. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash flow assistance, to the Budget Reserve Fund and Other Funds

From General Revenue Fund (0101) $5,500,000

From Other Funds (Various) 500,000

Total $6,000,000

SECTION 5.270. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund, provided that not more than twenty-five percent (25%) flexibility is allowed from sections 5.450, 5.465 and 5.490 to this section

From General Revenue Fund (0101) $7,480,142

From Budget Reserve Fund (0100) 1

Total $7,480,143

SECTION 5.275. — To the Office of Administration
Funds are to be transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances
From General Revenue Fund (0101) $50,000
From Federal and Other Funds (Various) 750,000
Total $800,000

SECTION 5.280. — To the Office of Administration
Funds are to be transferred out of the State Treasury, to other funds in support of the state's central services performed by the Office of Administration, the Department of Revenue, the Capitol Police, the Elected Officials, and the General Assembly, to the General Revenue Fund
From Other Funds (Various) $9,894,605

SECTION 5.285. — To the Office of Administration
For funding statewide membership dues
From General Revenue Fund (0101) $130,200

SECTION 5.290. — To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.290 and 5.295
From Office of Administration - Federal Fund (0135) $1,800,000

SECTION 5.295. — To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.290 and 5.295
From Office of Administration - Federal Fund (0135) $8,000,000

SECTION 5.300. — To the Office of Administration
For the Division of Accounting
For payments to counties for county correctional prosecution reimbursements pursuant to Sections 50.850 and 50.853, RSMo
From General Revenue Fund (0101) $30,000

SECTION 5.305. — To the Office of Administration
For distribution of state grants to regional planning commissions and local governments as provided by Chapter 251, RSMo
From General Revenue Fund (0101) $300,000

SECTION 5.450. — To the Office of Administration
For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty five percent (25%) flexibility is allowed from this section to Section 5.270
From General Revenue Fund (0101) $79,797,319
From Federal Funds (Various) 33,849,774
From Other Funds (Various) 48,375,903
Total $162,022,996

SECTION 5.455. — To the Office of Administration
For the Department of Public Safety
For transferring funds for employees of the State Highway Patrol to the OASDHI Contributions Fund, said transfers to be administered by the Office of Administration
From State Highways and Transportation Department Fund (0644) $9,465,000

SECTION 5.460. — To the Office of Administration
For the Division of Accounting
For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees
From OASDHI Contributions Fund (0702) $171,454,977

SECTION 5.465. — To the Office of Administration
For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.270
From General Revenue Fund (0101) $259,139,433
From Federal Funds (Various) 91,715,703
From Other Funds (Various) 81,614,006
Total $432,469,142

SECTION 5.470. — To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri State Employees' Retirement System, provided that no more than $11,064,705 shall be expended on administration of the system, excluding investment expenses
From State Retirement Contributions Fund (0701) $432,469,142

SECTION 5.475. — To the Office of Administration
For the Division of Accounting
For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section
From General Revenue Fund (0101) $70,000

SECTION 5.480. — To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section
From General Revenue Fund (0101) $1,535,534
From Federal Funds (Various) 659,619
From Other Funds (Various) 1,108,915
Total $3,304,068

SECTION 5.485. — To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for claims paid to former state employees of the Department of Public Safety for unemployment insurance coverage and for related professional services
From State Highways and Transportation Department Fund (0644) $100,000

SECTION 5.490. — To the Office of Administration
For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.255
From General Revenue Fund (0101) $298,103,017
From Federal Funds (Various) 117,417,082
From Other Funds (Various) 71,071,841
Total $486,591,940

SECTION 5.495. — To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than $8,406,319 shall be expended on administration of the plan, excluding third-party administrator fees
From Missouri Consolidated Health Care Plan Benefit Fund (0765) $486,453,208

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

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

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

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

SECTION 5.520. — To the Office of Administration
For the Division of General Services
For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo
From General Revenue Fund (0101) $37,934,152
From Conservation Commission Fund (0609) 1,200,000
Total $39,134,152

SECTION 5.525. — To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds, to the General Revenue Fund and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section
From Federal Funds (Various) $5,016,792
From Other Funds (Various) 3,949,150
Total $8,965,942

SECTION 5.530. — To the Office of Administration
For the Division of General Services
For workers' compensation tax payments pursuant to Section 287.690, RSMo
From General Revenue Fund (0101) $3,165,000
From Conservation Commission Fund (0609) 125,000
Total $3,290,000

Office of Administration Totals

General Revenue Fund	$235,297,459
Federal Funds	100,750,473
Other Funds	96,453,997
Total	$432,501,929

Employee Benefits Totals

General Revenue Fund	$679,780,456
Federal Funds	243,642,178
Other Funds	216,960,665
Total	$1,140,383,299

Approved June 10, 2019

CCS SCS HCS HB 6

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

PART 1

SECTION 6.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement

of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

SECTION 6.005. — To the Department of Agriculture

For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 6.140

Expense and Equipment

From General Revenue Fund (0101) $50,000

For the Office of the Director, provided fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service 205,499

Annual salary Adjustment in accordance with Section 105.005, RSMo 7

Expense and Equipment 1,184,124

From Department of Agriculture Federal Fund (0133) 1,389,630

Personal Service 755,620

Annual salary Adjustment in accordance with Section 105.005, RSMo 2,067

Expense and Equipment 128,725

From Agriculture Protection Fund (0970) 886,412

Personal Service 23,678

Annual salary Adjustment in accordance with Section 105.005, RSMo 184

Expense and Equipment 2,494

From Animal Care Reserve Fund (0295) 26,356

Personal Service 23,951

Expense and Equipment 2,500

From Animal Health Laboratory Fee Fund (0292) 26,451

Personal Service 19,648

Annual salary Adjustment in accordance with Section 105.005, RSMo 1

Expense and Equipment 1,982

From Grain Inspection Fee Fund (0647) 21,631

Personal Service 8,611

Expense and Equipment 901

From Missouri Land Survey Fund (0668) 9,512

Personal Service 14,417

Annual salary Adjustment in accordance with Section 105.005, RSMo 1

Expense and Equipment 1,499

From Missouri Wine and Grape Fund (0787) 15,917

Personal Service 28,411

Annual salary Adjustment in accordance with Section 105.005, RSMo 1

Expense and Equipment 2,940
From Petroleum Inspection Fund (0662) 31,352

Personal Service 34,106
Annual salary Adjustment in accordance with Section 105.005, RSMo 237
Expense and Equipment 3,597
From State Fair Fee Fund (0410) 37,940

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

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Expense and Equipment
From Department of Agriculture Federal Fund (0133) 284,883
Total (Not to exceed 20.75 F.T.E.) $2,793,584

SECTION 6.006. — To the Department of Agriculture
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $184
From Federal and Other Funds (Various) 4,490
Total $4,674

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

SECTION 6.015. — To the Department of Agriculture
For large animal veterinary student loans in accordance with the provisions of Sections 340.375 to 340.396, RSMo
From Veterinary Student Loan Payment Fund (0803) $180,000

SECTION 6.020. — To the Department of Agriculture
For the Agriculture Business Development Division, provided fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment, provided three percent (3%) flexibility is allowed from this section to Section 6.140
Personal Service $44,307
Expense and Equipment 31,500
From General Revenue Fund (0101) 75,807

Personal Service 64,210
Expense and Equipment 423,886
From Department of Agriculture Federal Fund (0133) 488,096

Personal Service 18,957
Expense and Equipment 176,735
From Agriculture Business Development Fund (0683) 195,692

Expense and Equipment
From AgriMissouri Fund (0897) 40,000

Personal Service 1,302,206
Expense and Equipment 417,890
From Agriculture Protection Fund (0970) 1,720,096

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

For urban and non-traditional agriculture
From Agriculture Protection Fund (0970) 65,000
From Agriculture Business Development Fund (0683) 10,000

For competitive grants to innovative projects that promote agriculture in urban/suburban communities
From Agriculture Protection Fund (0970) 50,000

For supporting farmers' markets and other economic development initiatives that work to reduce food deserts in areas which have been designated a food desert by the United States Department of Agriculture at any point in the five years prior to the application for such funds
From General Revenue Fund (0101) 200,000

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

For the Abattoir Program
From General Revenue Fund (0101) 1
Total (Not to exceed 29.51 F.T.E.) $3,205,974

SECTION 6.025. — To the Department of Agriculture
For the Agriculture Business Development Division
For the Agri Missouri Marketing Program
Personal Service $38,405
Expense and Equipment 218,756
From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.) $257,161

SECTION 6.030. — To the Department of Agriculture
For the Agriculture Business Development Division

For the Wine and Grape Program, provided five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $276,891
Expense and Equipment 1,598,695
From Missouri Wine and Grape Fund (0787) (Not to exceed 5.00 F.T.E.) $1,875,586

SECTION 6.035. — To the Department of Agriculture
For the Agriculture Business Development Division
For the Agriculture and Small Business Development Authority, provided fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service $119,843
Expense and Equipment 9,264
From Single Purpose Animal Facilities Loan Program Fund (0408) 129,107

Personal Service 11,749
Expense and Equipment 2,000
From Livestock Feed and Crop Input Loan Program Fund (0978) 13,749

Expense and Equipment
From Agricultural Product Utilization Grant Fund (0413) 100
Total (Not to exceed 3.20 F.T.E.) $142,956

SECTION 6.040. — To the Department of Agriculture
Funds are to be transferred out of the State Treasury to the Single Purpose Animal Facilities Loan Guarantee Fund, provided one hundred percent (100%) flexibility is allowed between this section and Sections 6.050 and 6.060 and three percent (3%) flexibility is allowed from this section to Section 6.140
From General Revenue Fund (0101) $5,000

SECTION 6.045. — To the Department of Agriculture
For loan guarantees as provided in Sections 348.190 and 348.200, RSMo
From Single Purpose Animal Facilities Loan Guarantee Fund (0409) $201,046

SECTION 6.050. — To the Department of Agriculture
Funds are to be transferred out of the State Treasury to the Agricultural Product Utilization and Business Development Loan Guarantee Fund, provided one hundred percent (100%) flexibility is allowed between this section and Sections 6.040 and 6.060 and three percent (3%) flexibility is allowed from this section to Section 6.140
From General Revenue Fund (0101) $15,000

SECTION 6.055. — To the Department of Agriculture
For loan guarantees as provided in Sections 348.403, 348.408, and 348.409, RSMo
From Agricultural Product Utilization and Business Development Loan Guarantee Fund (0411) $624,501

SECTION 6.060. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Livestock Feed and Crop Input Loan Guarantee Fund, provided one hundred percent (100%) flexibility is allowed between this section and Sections 6.040 and 6.050 and three percent (3%) flexibility is allowed from this section to Section 6.140

From General Revenue Fund (0101) $5,000

SECTION 6.065. — To the Department of Agriculture

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

From Livestock Feed and Crop Input Loan Guarantee Fund (0914) $50,000

SECTION 6.070. — To the Department of Agriculture

For the Agriculture Business Development Division

For the Agriculture Development Program

Personal Service $79,233

Expense and Equipment 41,744

From Agriculture Development Fund (0904) 120,977

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

From Agriculture Development Fund (0904) 100,000

Total (Not to exceed 1.60 F.T.E.) $220,977

SECTION 6.075. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Missouri Dairy Industry Revitalization Fund, provided three percent (3%) flexibility is allowed from this section to Section 6.140

From General Revenue Fund (0101) $15,000

SECTION 6.080. — To the Department of Agriculture

For the Missouri Dairy Industry Revitalization Act

From Missouri Dairy Industry Revitalization Fund (0414) $40,000

SECTION 6.085. — To the Department of Agriculture

For the Division of Animal Health, provided three percent (3%) flexibility is allowed from this section to Section 6.140

Personal Service $2,724,363

Expense and Equipment 902,293

From General Revenue Fund (0101) 3,626,656

For the Division of Animal Health, provided fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service 847,780
Expense and Equipment 566,383
From Department of Agriculture Federal Fund (0133) 1,414,163

Personal Service 110,313
Expense and Equipment 917,050
From Animal Health Laboratory Fee Fund (0292) 1,027,363

Personal Service 477,129
Expense and Equipment 185,956
From Animal Care Reserve Fund (0295) 663,085

Personal Service
From Livestock Brands Fund (0299) 115

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

Expense and Equipment
From Puppy Protection Trust Fund (0985) 5,000

Expense and Equipment
From Large Carnivore Fund (0988) 10,000

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

To support the Livestock Brands Program
From Livestock Brands Fund (0299) 30,698

For expenses incurred in regulating Missouri livestock markets
From Livestock Sales and Markets Fees Fund (0581) 30,690

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

For contributions, gifts and grants in support of relief efforts to reduce the suffering of abandoned animals
From State Institutions Gift Trust Fund (0925) 5,000
Total (Not to exceed 84.42 F.T.E.) $6,994,232

SECTION 6.090. — To the Department of Agriculture
For the Division of Animal Health
For indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to fifty percent (50%), provided three percent (3%) flexibility is allowed from this section to Section 6.140
From General Revenue Fund (0101) $10,000

SECTION 6.095. — To the Department of Agriculture

For the Division of Grain Inspection and Warehousing, provided five percent (5%) flexibility is allowed between personal service and expense and equipment and three percent (3%) flexibility is allowed from this section to Section 6.140

Personal Service $730,253
Expense and Equipment 85,928
From General Revenue Fund (0101) 816,181

For the Division of Grain Inspection and Warehousing, provided fifty percent (50%) flexibility is allowed between funds and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service 37,268
Expense and Equipment 36,211
From Department of Agriculture Federal Fund (0133) 73,479

Personal Service 82,881
Expense and Equipment 31,651
From Commodity Council Merchandising Fund (0406) 114,532

Personal Service 2,150,247
Expense and Equipment 629,694
From Grain Inspection Fee Fund (0647) 2,779,941

Expense and Equipment
From Agriculture Protection Fund (0970) 85,000
Total (Not to exceed 82.75 F.T.E.) $3,869,133

SECTION 6.100. — To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
For the Missouri Aquaculture Council
From Aquaculture Marketing Development Fund (0573) $11,000

For research, promotion, and market development of apples
From Apple Merchandising Fund (0615) 11,000

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

SECTION 6.105. — To the Department of Agriculture

For the Division of Plant Industries, provided fifty percent (50%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment

Personal Service $943,522
Expense and Equipment 1,281,453
From Department of Agriculture Federal Fund (0133) 2,224,975

Personal Service 1,990,417
Expense and Equipment 757,924
From Agriculture Protection Fund (0970) 2,748,341

Personal Service 251,123
Expense and Equipment 97,522
From Industrial Hemp Fund (0476) 348,645

For the Invasive Pest Control Program, provided seventy-five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment
Personal Service 32,589
Expense and Equipment 71,388
From Department of Agriculture Federal Fund (0133) 103,977

Personal Service 138,391
Expense and Equipment 58,000
From Agriculture Protection Fund (0970) 196,391

For the Boll Weevil Eradication Program, provided fifty percent (50%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment
Personal Service 41,993
Expense and Equipment 24,657
From Boll Weevil Suppression and Eradication Fund (0823) 66,650
Total (Not to exceed 80.46 F.T.E.) $5,688,979

SECTION 6.110. — To the Department of Agriculture
For the Division of Weights, Measures and Consumer Protection, provided five percent (5%) flexibility is allowed between personal service and expense and equipment and three percent (3%) flexibility is allowed from this section to Section 6.140
Personal Service $463,873
Expense and Equipment 100,396
From General Revenue Fund (0101) 564,269

For the Division of Weights, Measures and Consumer Protection, provided fifty percent (50%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service 39,575
Expense and Equipment 50,000
From Department of Agriculture Federal Fund (0133) 89,575

Personal Service 555,354
Expense and Equipment 468,415
From Agriculture Protection Fund (0970) 1,023,769

Personal Service 1,661,818
Expense and Equipment 1,389,193
From Petroleum Inspection Fund (0662) 3,051,011
Total (Not to exceed 68.11 F.T.E.) $4,728,624

SECTION 6.115. — To the Department of Agriculture
For the Missouri Land Survey Program, provided fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service $751,872
Expense and Equipment 206,830
From Missouri Land Survey Fund (0668) 958,702

Personal Service 179,186
Expense and Equipment 80,000
From Department of Agriculture Land Survey Revolving Services Fund (0426) 259,186

For surveying corners and for records restorations, provided seventy-five percent (75%) flexibility is allowed between funds
Expense and Equipment
From Department of Agriculture Federal Fund (0133) 60,000
From Missouri Land Survey Fund (0668) 90,000
Total (Not to exceed 14.68 F.T.E.) $1,367,888

SECTION 6.120. — To the Department of Agriculture
For the Missouri State Fair, provided fifty percent (50%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $1,426,132
Expense and Equipment 3,173,162
From State Fair Fee Fund (0410) 4,599,294

Personal Service
From Agriculture Protection Fund (0970) 550,492
Total (Not to exceed 59.38 F.T.E.) $5,149,786

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

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

SECTION 6.135. — To the Department of Agriculture

For the State Milk Board, provided five percent (5%) flexibility is allowed between personal service and expense and equipment and three percent (3%) flexibility is allowed from this section to Section 6.140

Personal Service	$109,107
Expense and Equipment	852
From General Revenue Fund (0101)	109,959

For the State Milk Board, provided fifty percent (50%) flexibility is allowed between the State Milk Board, Milk Board Local Health, and Dairy Plant Inspections, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service	473,167
Expense and Equipment	212,407
From State Milk Inspection Fee Fund (0645)	685,574

For Milk Board Local Health

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

For Dairy Plant Inspections

Expense and Equipment	
From State Contracted Manufacturing Dairy Plant Inspection and Grading Fee Fund (0661)	4,552
Total (Not to exceed 9.93 F.T.E.)	$1,536,107

SECTION 6.140. — To the Department of Agriculture

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

From General Revenue Fund (0101)	$1

SECTION 6.200. — To the Department of Natural Resources

For department operations, administration and support, provided three percent (3%) flexibility is allowed from this section to Section 6.365

Personal Service	$194,814
Annual salary Adjustment in accordance with Section 105.005, RSMo	132
Expense and Equipment	61,856
From General Revenue Fund (0101)	256,802

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

Personal Service	521,136
Annual salary Adjustment in accordance with Section 105.005, RSMo	333
Expense and Equipment	180,142
From Department of Natural Resources Federal Fund (0140)	701,611

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Personal Service 3,269,835
Annual salary Adjustment in accordance with Section 105.005, RSMo 2,036
Expense and Equipment 569,889
From DNR Cost Allocation Fund (0500) 3,841,760

Personal Service
From Department of Natural Resources Revolving Services Fund (0425) 44,006

For Contractual Audits
From State Park Earnings Fund (0415) 75,000
From Solid Waste Management Fund (0570) 78,000
From Soil and Water Sales Tax Fund (0614) 150,000
Total (Not to exceed 78.71 F.T.E.) $5,147,179

SECTION 6.201. — To the Department of Natural Resources
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $642
From Federal and Other Funds (Various) 14,568

Total $15,210

SECTION 6.225. — To the Department of Natural Resources
For the Division of Environmental Quality, provided fifteen percent (15%) flexibility is allowed between programs and/or regional offices, fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and three percent (3%) flexibility is allowed from this section to Section 6.365
Personal Service $3,732,121
Expense and Equipment 640,472
From General Revenue Fund (0101) 4,372,593

For the Division of Environmental Quality, provided twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service 12,984,877
Expense and Equipment 3,035,695
From Department of Natural Resources Federal Fund (0140) 16,020,572

Personal Service 1,236,757
Expense and Equipment 212,037
From DNR Cost Allocation Fund (0500) 1,448,794

Personal Service 34,461
Expense and Equipment 54,802
From Environmental Radiation Monitoring Fund (0656) 89,263

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Personal Service 1,995,672
Expense and Equipment 240,124
From Hazardous Waste Fund (0676) 2,235,796

Personal Service 1,044,003
Expense and Equipment 120,475
From Missouri Air Emission Reduction Fund (0267) 1,164,478

Personal Service 109,006
Expense and Equipment 57,836
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 166,842

Personal Service 295,815
Expense and Equipment 80,983
From Natural Resources Protection Fund (0555) 376,798

Personal Service 294,817
Expense and Equipment 53,691
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) 348,508

Personal Service 3,721,841
Expense and Equipment 631,307
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) 4,353,148

Personal Service 4,472,133
Expense and Equipment 912,040
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 5,384,173

Personal Service 2,123,435
Expense and Equipment 956,213
From Safe Drinking Water Fund (0679) 3,079,648

Personal Service 1,294,508
Expense and Equipment 429,982
From Soil and Water Sales Tax Fund (0614) 1,724,490

Personal Service 2,041,437
Expense and Equipment 416,061
From Solid Waste Management Fund (0570) 2,457,498

Personal Service 486,628
Expense and Equipment 107,249
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 593,877

Personal Service 281,805
Expense and Equipment 29,828
From Coal Combustion Residuals Fund (0551) 311,633

Personal Service 106,625
Expense and Equipment 46,166
From Underground Storage Tank Regulation Program Fund (0586) 152,791

Personal Service 785,486
Expense and Equipment 81,675
From Water and Wastewater Loan Fund (0649) 867,161

For environmental education and studies, demonstration projects, and technical assistance grants, provided twenty-five percent (25%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) 350,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 450,000

For water infrastructure grants and loans, provided $225,529,824 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) flexibility is allowed between funds
From Water and Wastewater Loan Fund (0649) 140,528,640
From Water and Wastewater Loan Revolving Fund (0602) 384,615,896
From Water Pollution Control (37E) Fund (0330) 20,000
From Water Pollution Control (37G) Fund (0329) 10,000
From Stormwater Control (37H) Fund (0302) 10,000
From Storm Water Loan Revolving Fund (0754) 1,014,141
From Rural Water and Sewer Loan Revolving Fund (0755) 2,100,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 12,239,999

For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided $11,000,000 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) 20,000,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 6,300,000

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

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

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

For grants to local soil and water conservation districts 14,680,570
For soil and water conservation cost share grants 40,000,000
For a conservation monitoring program 400,000
For grants to colleges and universities for research projects on soil erosion and conservation 400,000
From Soil and Water Sales Tax Fund (0614) 55,480,570

For grants and contracts for air pollution control activities, provided twenty-five percent (25%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) 1,500,000
From Natural Resources Protection Fund Air Pollution Permit Fee Subaccount (0594) 100,000

For grants and contracts for air pollution control activities in accordance with the department's beneficiary mitigation plan dated August 6, 2018
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 13,500,000

For the cleanup of leaking underground storage tanks
From Department of Natural Resources Federal Fund (0140) 300,000

Funds are to be transferred out of the State Treasury to the Hazardous Waste Fund
From General Revenue Fund (0101) 1,203,077

For the cleanup of hazardous waste or substances
From Department of Natural Resources Federal Fund (0140) 975,000
From Hazardous Waste Fund (0676) 2,803,944

For implementation provisions of the Solid Waste Management Law in accordance with Sections 260.250 through 260.345, RSMo
From Solid Waste Management Fund (0570) 7,998,820
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 2,000,000

For grants to Solid Waste Management Districts for funding community-based reduce, reuse and recycle grants
From Solid Waste Management Fund (0570) 4,500,000

For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo
Personal Service 20,504
Expense and Equipment 130,000
From General Revenue Fund (0101) 150,504

For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service 106
Expense and Equipment 423,973
From Post Closure Fund (0198) 424,079

For environmental emergency response
From Hazardous Waste Fund (0676) 500,000

For cleanup of controlled substances
From Department of Natural Resources Federal Fund (0140) 100,000
Total (Not to exceed 773.28 F.T.E.) $705,982,585

SECTION 6.230. — To the Department of Natural Resources
For petroleum related activities and environmental emergency response
Personal Service $1,041,022
Expense and Equipment 92,474
From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed 21.20 F.T.E.) $1,133,496

SECTION 6.250. — To the Department of Natural Resources
For the Missouri Geological Survey, provided three percent (3%) flexibility is allowed from this section to Section 6.365
Personal Service $2,353,109
Expense and Equipment 1,170,603
From General Revenue Fund (0101) 3,523,712

For the Missouri Geological Survey, provided twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service 1,657,181
Expense and Equipment 438,017
From Department of Natural Resources Federal Fund (0140) 2,095,198

Personal Service
From Department of Natural Resources Revolving Services Fund (0425) 17,045

Personal Service 555,278
Expense and Equipment 97,405
From Groundwater Protection Fund (0660) 652,683

Personal Service 15,255
Expense and Equipment 5,072
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 20,327

Personal Service 136,722
Expense and Equipment 9,480
From Solid Waste Management Fund (0570) 146,202

Personal Service 161,504
Expense and Equipment 31,010
From Hazardous Waste Fund (0676) 192,514

Personal Service 17,298
Expense and Equipment 4,105
From DNR Cost Allocation Fund (0500) 21,403

Personal Service 122,286
Expense and Equipment 18,270
From Geologic Resources Fund (0801) 140,556

Personal Service 53,171
Expense and Equipment 13,761
From Metallic Minerals Waste Management Fund (0575) 66,932

Personal Service 411,221
Expense and Equipment 152,045
From Mined Land Reclamation Fund (0906) 563,266

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

Personal Service 7,677
Expense and Equipment 7,625
From Oil and Gas Remedial Fund (0699) 15,302

Personal Service 88,721
Expense and Equipment 12,006
From Oil and Gas Resources Fund (0543) 100,727

Personal Service 58,078
Expense and Equipment 5,401
From Coal Combustion Residuals Fund (0551) 63,479

Personal Service 10,524
Expense and Equipment 2,000
From Natural Resources Protection Fund (0555) 12,524

Personal Service 91,241
Expense and Equipment 8,835
From Multipurpose Water Resource Program Fund (0815) 100,076

Funds are to be transferred out of the State Treasury to the Multipurpose Water Resource Program Fund
From General Revenue Fund (0101) 13,000,000

For the Multipurpose Water Resource Program
From Multipurpose Water Resource Program Fund (0815) 13,750,000

For a drought response plan, water supply availability studies, watershed feasibility studies and related efforts to protect Missouri's water supply interests
From General Revenue Fund (0101) 1,000,000

Funds are to be transferred out of the State Treasury to the Mined Land Reclamation Fund
From General Revenue Fund (0101) 200,000

For bond forfeiture funds for the reclamation of mined land
From Mined Land Reclamation Fund (0906) 350,000

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

For contracts for hydrologic studies to assist small coal operators to meet permit requirements
From Department of Natural Resources Federal Fund (0140) 1,000

For expense and equipment in accordance with the provisions of Section 259.190, RSMo
From Oil and Gas Remedial Fund (0699) 150,000
Total (Not to exceed 115.42 F.T.E.) $39,915,459

SECTION 6.255. — To the Department of Natural Resources
Funds are to be transferred out of the State Treasury to the Missouri Water Development Fund, provided three percent (3%) flexibility is allowed from this section to Section 6.365
From General Revenue Fund (0101) $477,098

SECTION 6.260. — To the Department of Natural Resources
For interest, operations and maintenance in accordance with the Clarence Cannon Water Contract
From Missouri Water Development Fund (0174) $477,098

SECTION 6.275. — To the Department of Natural Resources
For Missouri State Parks
For State Parks operations, provided five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service $118,253
Expense and Equipment 31,306
From Department of Natural Resources Federal Fund (0140) 149,559

Personal Service 1,241,046
Expense and Equipment 3,030,407
From State Park Earnings Fund (0415) 4,271,453

Personal Service 947,305
Expense and Equipment 68,159
From DNR Cost Allocation Fund (0500) 1,015,464

Personal Service 21,568,166
Expense and Equipment 10,656,615
From Parks Sales Tax Fund (0613) 32,224,781

Personal Service 58,595
Expense and Equipment 75,000
From Doctor Edmund A. Babler Memorial State Park Fund (0911) 133,595

Expense and Equipment
From Meramec-Onondaga State Parks Fund (0698) 85,000

For state park support activities and grants and/or loans for recreational purposes, provided $17,800,000 be used solely to encumber funds for future fiscal year expenditures
From Department of Natural Resources Federal Fund (0140) 26,050,000

Levy District Payments 15,000
Payment in Lieu of Taxes 30,000
Bruce R. Watkins Center Expense and Equipment 100,000
From Parks Sales Tax Fund (0613) 145,000

Parks Concession Personal Service 55,011
Parks Concession Expense and Equipment 199,350
Gifts to Parks Expense and Equipment 750,000
Parks Resale Expense and Equipment 1,400,000
State Park Grants Expense and Equipment 450,000
From State Park Earnings Fund (0415) 2,854,361
Total (Not to exceed 661.21 F.T.E.) $66,929,213

SECTION 6.280. — To the Department of Natural Resources
For Historic Preservation Operations, provided twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service $420,615
Expense and Equipment 50,026
From Department of Natural Resources Federal Fund (0140) 470,641

Personal Service 209,354
Expense and Equipment 31,314
From Historic Preservation Revolving Fund (0430) 240,668

Personal Service 106,310
Expense and Equipment 10,853
From Economic Development Advancement Fund (0783) 117,163
For historic preservation grants and contracts, provided twenty-five percent (25%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) 600,000
From Historic Preservation Revolving Fund (0430) 1,317,243
Total (Not to exceed 17.25 F.T.E.) $2,745,715

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 6.285. — To the Department of Natural Resources
Funds are to be transferred out of the State Treasury to the Historic Preservation Revolving Fund, provided three percent (3%) flexibility is allowed from this section to Section 6.365
From General Revenue Fund (0101) $151,755

SECTION 6.300. — To the Department of Natural Resources
For the Division of Energy, provided one hundred percent (100%) flexibility is allowed between funds
Personal Service $1,296,753
Expense and Equipment 609,299
From Energy Federal Fund (0866) 1,906,052

Personal Service 492,135
Expense and Equipment 104,580
From Energy Set-Aside Program Fund (0667) 596,715

Personal Service
From Biodiesel Fuel Revolving Fund (0730) 3,769

Personal Service 322,957
Expense and Equipment 32,050
From Energy Futures Fund (0935) 355,007

For the promotion of energy, renewable energy, and energy efficiency, provided that $20,000,000 be used solely to encumber funds for future fiscal year expenditures
From Energy Federal Fund (0866) 12,100,800
From Energy Set Aside Program Fund (0667) 22,000,000
From Biodiesel Fuel Revolving Fund (0730) 25,000
From Missouri Alternative Fuel Vehicle Loan Fund (0886) 2,000
From Energy Futures Funds (0935) 5,100,000
From Utilicare Stabilization Fund (0134) 100

For the Low-Income Weatherization Assistance Program
From Energy Federal Fund (0866) 8,400,000

For the Wood Energy Tax Credit Program
For the redemption of tax credits issued on or after July, 1, 2019, under Sections 135.300 through 135.311, RSMo, provided three percent (3%) flexibility is allowed from this section to Section 6.365
From General Revenue Fund (0101) 1,500,000
Total (Not to exceed 37.00 F.T.E.) $51,989,443

SECTION 6.325. — To the Department of Natural Resources
For expenditures of payments received for damages to the state's natural resources, provided twenty-five percent (25%) flexibility is allowed between funds
Expense and Equipment
From Natural Resources Protection Fund (0555) $6,057,917

From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 100,000
Total $6,157,917

SECTION 6.330. — To the Department of Natural Resources
Expense and Equipment
From Department of Natural Resources Revolving Services Fund (0425) $2,421,745

SECTION 6.335. — To the Department of Natural Resources
For refunds, provided seventy-five percent (75%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) $9,445
From Missouri Air Emission Reduction Fund (0267) 15,988
From State Park Earnings Fund (0415) 84,946
From Department of Natural Resources Revolving Services Fund (0425) 1,419
From Historic Preservation Revolving Fund (0430) 165
From DNR Cost Allocation Fund (0500) 3,478
From Oil and Gas Resources Fund (0543) 100
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 46,982
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 1,165
From Solid Waste Management Fund (0570) 1,165
From Metallic Minerals Waste Management Fund (0575) 165
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) 9,930
From Underground Storage Tank Regulation Program Fund (0586) 4,965
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) 62,082
From Water and Wastewater Loan Revolving Fund (0602) 10,498
From Parks Sales Tax Fund (0613) 25,723
From Soil and Water Sales Tax Fund (0614) 329
From Water and Wastewater Loan Fund (0649) 165
From Environmental Radiation Monitoring Fund (0656) 250
From Groundwater Protection Fund (0660) 3,165
From Energy Set-Aside Program Fund (0667) 2,039
From Hazardous Waste Fund (0676) 59,688
From Safe Drinking Water Fund (0679) 14,726
From Abandoned Mine Reclamation Fund (0697) 165
From Oil and Gas Remedial Fund (0699) 650
From Biodiesel Fuel Revolving Fund (0730) 165
From Storm Water Loan Revolving Fund (0754) 200
From Rural Water and Sewer Loan Revolving Fund (0755) 165
From Geologic Resources Fund (0801) 4,400
From Confederate Memorial Park Fund (0812) 165
From Concentrated Animal Feeding Operation Indemnity Fund (0834) 450
From Missouri Alternative Fuel Vehicle Loan Fund (0886) 50
From Mined Land Reclamation Fund (0906) 10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911) 417

From Energy Futures Funds (0935) 4,500
Total $380,000

SECTION 6.340. — To the Department of Natural Resources
For sales tax on retail sales, provided seventy-five percent (75%) flexibility is allowed between funds
From State Park Earnings Fund (0415) $40,000
From Department of Natural Resources Revolving Services Fund (0425) 10,000
Total $50,000

SECTION 6.345. — To the Department of Natural Resources
Funds are to be transferred out of the State Treasury to the DNR Cost Allocation Fund for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services, provided five percent (5%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 13 transfer, and Cost Allocation Information Technology Services Division transfer
For Cost Allocation Transfer, provided five percent (5%) flexibility is allowed between funds
From Missouri Air Emission Reduction Fund (0267) $266,665
From State Park Earnings Fund (0415) 392,508
From Historic Preservation Revolving Fund (0430) 28,509
From Natural Resources Protection Fund (0555) 34,884
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 1,080,557
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 128,894
From Solid Waste Management Fund (0570) 556,271
From Metallic Minerals Waste Management Fund (0575) 8,569
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) 69,850
From Petroleum Storage Tank Insurance Fund (0585) 176,301
From Underground Storage Tank Regulation Program Fund (0586) 28,960
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) 957,381
From Parks Sales Tax Fund (0613) 3,508,115
From Soil and Water Sales Tax Fund (0614) 420,753
From Water and Wastewater Loan Fund (0649) 180,987
From Environmental Radiation Monitoring Fund (0656) 5,417
From Groundwater Protection Fund (0660) 84,692
From Energy Set-Aside Program Fund (0667) 314,646
From Hazardous Waste Fund (0676) 468,127
From Safe Drinking Water Fund (0679) 585,687
From Geologic Resources Fund (0801) 18,426
From Mined Land Reclamation Fund (0906) 84,124
Total DNR Cost Allocation Transfer 9,400,323

For Cost Allocation HB 13 Transfer, provided twenty-five percent (25%) flexibility is allowed between funds
From Missouri Air Emission Reduction Fund (0267) 4,999
From State Park Earnings Fund (0415) 9,272
From Historic Preservation Revolving Fund (0430) 673
From Natural Resources Protection Fund (0555) 654
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 20,217
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 2,417
From Solid Waste Management Fund (0570) 10,065
From Metallic Minerals Waste Management Fund (0575) 105
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) 1,310
From Petroleum Storage Tank Insurance Fund (0585) 3,080
From Underground Storage Tank Regulation Program Fund (0586) 543
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) 17,954
From Parks Sales Tax Fund (0613) 82,863
From Soil and Water Sales Tax Fund (0614) 7,890
From Environmental Radiation Monitoring Fund (0656) 102
From Water and Wastewater Loan Fund (0649) 3,394
From Hazardous Waste Fund (0676) 8,312
From Safe Drinking Water Fund (0679) 10,984
From Mined Land Reclamation Fund (0906) 1,029
Total Cost Allocation HB 13 Transfer 185,863

For Cost Allocation Information Technology Services Division Transfer, provided five percent (5%) flexibility is allowed between funds
From Missouri Air Emission Reduction Fund (0267) 175,298
From State Park Earnings Fund (0415) 181,370
From Historic Preservation Revolving Fund (0430) 13,173
From Natural Resources Protection Fund (0555) 22,932
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 713,143
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 84,733
From Solid Waste Management Fund (0570) 387,398
From Metallic Minerals Waste Management Fund (0575) 15,140
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) 45,917
From Petroleum Storage Tank Insurance Fund (0585) 130,543
From Underground Storage Tank Regulation Program Fund (0586) 19,038
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) 629,349
From Parks Sales Tax Fund (0613) 1,621,025
From Soil and Water Sales Tax Fund (0614) 510,620
From Water and Wastewater Loan Fund (0649) 118,975
From Environmental Radiation Monitoring Fund (0656) 3,561

From Hazardous Waste Fund (0676) 335,354
From Safe Drinking Water Fund (0679) 385,011
From Geologic Resources Fund (0801) 32,554
Total Cost Allocation Information Technology Services Division Transfer 5,425,134
Total $15,011,320

SECTION 6.350. — To the Department of Natural Resources
Funds are to be transferred out of the State Treasury to the OA Information Technology - Federal and Other Fund for the purpose of funding the consolidation of Information Technology Services
From Department of Natural Resources Federal Fund (0140) $2,693,271

SECTION 6.355. — To the Department of Natural Resources
For the State Environmental Improvement and Energy Resources Authority
For all costs incurred in the operation of the authority, including special studies
Personal Service $513,583
Expense and Equipment 951,000
From State Environmental Improvement Authority Fund (0654) (Not to exceed 8.00 F.T.E.) $1,464,583

SECTION 6.360. — To the Department of Natural Resources
For the Board of Trustees for the Petroleum Storage Tank Insurance Fund
For the general administration and operation of the fund, provided five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service $257,952
Expense and Equipment 2,095,354
From Petroleum Storage Tank Insurance Fund (0585) 2,353,306

For investigating and paying claims obligations of the Petroleum Storage Tank Insurance Fund
From Petroleum Storage Tank Insurance Fund (0585) 20,000,000

For refunds of erroneously collected receipts
From Petroleum Storage Tank Insurance Fund (0585) 70,000
Total (Not to exceed 4.00 F.T.E.) $22,423,306

SECTION 6.365. — To the Department of Natural Resources
Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo
From General Revenue Fund (0101) $1

SECTION 6.600. — To the Department of Conservation
For the Office of Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $5,244,052
Expense and Equipment 13,964,903
From Conservation Commission Fund (0609) (Not to exceed 90.69 F.T.E.) $19,208,955

SECTION 6.601. — To the Department of Conservation
For the Office of Director
For grants to volunteer fire protection associations for workers' compensation premiums pursuant to Section 287.245, RSMo, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $35,000
Expense and Equipment 15,000
Program Distribution 950,000
From Conservation Commission Fund (0609) (Not to exceed 1.00 F.T.E.) $1,000,000

SECTION 6.602. — To the Department of Conservation
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From Conservation Commission Fund (0609) $10,423

SECTION 6.605. — To the Department of Conservation
For the Administrative Services Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $4,658,934
Expense and Equipment 20,069,899
From Conservation Commission Fund (0609) (Not to exceed 123.77 F.T.E.) $24,728,833

SECTION 6.610. — To the Department of Conservation
For the Design and Development Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $8,480,361
Expense and Equipment 2,742,911

For the CART Program 2,000,000
From Conservation Commission Fund (0609) (Not to exceed 173.30 F.T.E.) $13,223,272

SECTION 6.615. — To the Department of Conservation
For the Fisheries Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $7,622,952
Expense and Equipment 3,995,035
From Conservation Commission Fund (0609) (Not to exceed 195.19 F.T.E.) $11,617,987

SECTION 6.620. — To the Department of Conservation
For the Forestry Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $9,562,544
Expense and Equipment 5,911,605
From Conservation Commission Fund (0609) (Not to exceed 261.31 F.T.E.) $15,474,149

SECTION 6.625. — To the Department of Conservation
For the Human Resources Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $13,815,413
Expense and Equipment 1,140,438
From Conservation Commission Fund (0609) (Not to exceed 29.20 F.T.E.) $14,955,851

SECTION 6.630. — To the Department of Conservation
For the Outreach and Education Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $7,804,865
Expense and Equipment 6,880,511
From Conservation Commission Fund (0609) (Not to exceed 200.50 F.T.E.) $14,685,376

SECTION 6.635. — To the Department of Conservation
For the Private Land Services Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $3,987,961
Expense and Equipment 5,314,777
From Conservation Commission Fund (0609) (Not to exceed 85.20 F.T.E.) $9,302,738

SECTION 6.640. — To the Department of Conservation
For the Protection Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints
Personal Service $11,348,619
Expense and Equipment 1,642,911
From Conservation Commission Fund (0609) (Not to exceed 219.94 F.T.E.) $12,991,530

SECTION 6.641. — To the Department of Conservation
For vehicle checkpoints where motorists may be detained without individualized reasonable suspicion and related administrative expenses
From Conservation Commission Fund (0609) $1

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 6.645. — To the Department of Conservation

For the Resource Science Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints

Personal Service $5,865,538
Expense and Equipment 3,089,337

For research, development and implementation of a Chronic Wasting Disease (CWD) live test and for no other purpose whatsoever 5,000,000

From Conservation Commission Fund (0609) (Not to exceed 148.09 F.T.E.) $13,954,875

SECTION 6.650. — To the Department of Conservation

For the Wildlife Division, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints

Personal Service $9,636,307
Expense and Equipment 9,851,818

From Conservation Commission Fund (0609) (Not to exceed 263.62 F.T.E.) $19,488,125

PART 2

SECTION 6.700. — To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.365 of Part 1 of this act:

No funds shall be expended on land purchases for which the Department of Natural Resources did not provide notice to the General Assembly, in writing, at least sixty (60) days prior to the purchase.

SECTION 6.705. — To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.365 of Part 1 of this act:

No funds shall be spent to implement or enforce any portion of the rule proposed by the United States Army Corps of Engineers and the United States Environmental Protection Agency on June 29, 2015, 80 Federal Register 37054, known as the 2015 AWOTUS@ rule, that purported to revise the regulatory definition of Awaters of the United States@ or Anavigable waters@ under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq., without the approval of the General Assembly.

SECTION 6.710. — To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.365 of Part 1 of this act:

No funds shall be spent to implement or enforce any portion of the federal Environmental Protection Agency's ACarbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,@ 80 Fed. Reg. 64,662 (October 23, 2015).

Department of Agriculture Totals

General Revenue Fund	$5,493,058
Federal Funds	6,129,034
Other Funds	26,753,182
Total	$38,375,274

Department of Natural Resources Totals

General Revenue Fund	$25,836,184
Federal Funds	66,655,058
Other Funds	526,063,463
Total	$618,554,705

Department of Conservation Totals

Total - Other Funds	$170,642,115

Approved June 10, 2019

CCS SS SCS HCS HB 7

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 7.005. — To the Department of Economic Development

For the Regional Engagement Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145	
Personal Service	$909,963
Expense and Equipment	336,410
From General Revenue Fund (0101)	1,246,373

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Personal Service
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123) 145,501

Personal Service 396,436
Expense and Equipment 58,558
From Job Development and Training Fund (0155) 454,994

Personal Service
From Department of Economic Development Administrative Fund (0547) 41,987

For business recruitment and marketing
From Economic Development Advancement Fund (0783) 2,250,000
Total (Not to exceed 37.06 F.T.E.) $4,138,855

SECTION 7.006. — To the Department of Economic Development
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $762
From Federal and Other Funds (Various) 2,537
Total $3,299

SECTION 7.010. — To the Department of Economic Development
For the Business and Community Solutions Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
Personal Service $1,306,869
Expense and Equipment 1,148,131
From General Revenue Fund (0101) 2,455,000

Personal Service 868,479
Expense and Equipment 250,251
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123) 1,118,730

Personal Service
From Department of Economic Development Administrative Fund (0547) 288,193

Expense and Equipment
From International Promotions Revolving Fund (0567) 1,402,238

Personal Service 45,728
Expense and Equipment 3,890
From State Supplemental Downtown Development Fund (0766) 49,618

For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund
From Economic Development Advancement Fund (0783) 10,000

For a workforce development training center located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants
From General Revenue Fund (0101) 500,000

For International Trade and Investment Offices
From Economic Development Advancement Fund (0783) 1,500,000
Total (Not to exceed 46.00 F.T.E.) $7,323,779

SECTION 7.015. — To the Department of Economic Development
For the Missouri Technology Corporation, provided that all funds appropriated to the Missouri Technology Corporation by the General Assembly shall be subject to the provisions of Section 196.1127, RSMo
For administration and for science and technology development, including but not limited to, innovation centers and the Missouri Manufacturing Extension Partnership
From Missouri Technology Investment Fund (0172) $5,500,000

SECTION 7.020. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Missouri Technology Investment Fund
From General Revenue Fund (0101) $3,000,000

SECTION 7.025. — To the Department of Economic Development
For the Business and Community Solutions Division
For the Community Development Block Grant Program

For projects awarded before July 1, 2019
Expense and Equipment $70,000,000

For projects awarded on or after July 1, 2019, provided that no funds shall be expended at higher education institutions not headquartered in Missouri for purposes of accreditation
Expense and Equipment 35,000,000
From Department of Economic Development - Community Development Block Grant (Pass-through) Fund (0118) $105,000,000

SECTION 7.030. — To the Department of Economic Development
For the State Small Business Credit Initiative and for the Department of Defense, Office of Economic Adjustment National Security Crossroads Initiative
From Department of Economic Development Federal Fund (0129) $2,000,000

SECTION 7.035. — To the Department of Economic Development
For the Business and Community Solutions Division
For the Missouri Main Street Program
From Economic Development Advancement Fund (0783) $400,000

SECTION 7.036. — To the Department of Economic Development
For a regional vitality pilot initiative
From General Revenue Fund (0101) $250,000

SECTION 7.040. — To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, St. Louis Innovation District, National Geospatial Agency West, Fenton Logistics Park, and IDEA Commons. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation.
From Missouri Supplemental Tax Increment Financing Fund (0848) $32,526,457

SECTION 7.045. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Missouri Supplemental Tax Increment Financing Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
From General Revenue Fund (0101) $32,526,457

SECTION 7.050. — To the Department of Economic Development
For the Missouri Downtown Economic Stimulus Act as provided in Sections 99.915 to 99.980, RSMo
From State Supplemental Downtown Development Fund (0766) $2,305,166

SECTION 7.055. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
From General Revenue Fund (0101) $2,351,608

SECTION 7.060. — To the Department of Economic Development
For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo
From Downtown Revitalization Preservation Fund (0907) $350,000

SECTION 7.065. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the

Downtown Revitalization Preservation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
From General Revenue Fund (0101) $350,000

SECTION 7.070. — To the Department of Economic Development
For the Business and Community Solutions Division
For the Missouri Community Service Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
Personal Service
From General Revenue Fund (0101) $36,094

Personal Service 211,201
Expense and Equipment 5,930,656
From Community Service Commission Fund (0197) 6,141,857
Total (Not to exceed 5.00 F.T.E.) $6,177,951

SECTION 7.075. — To the Department of Economic Development
For the Missouri One Start Division
provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
Personal Service
From General Revenue Fund (0101) $40,852

Personal Service 407,476
Expense and Equipment 81,389
From Missouri One Start Job Development Fund (0600) 488,865

Personal Service 204,662
Expense and Equipment 28,842
From Job Development and Training Fund (0155) 233,504
Total (Not to exceed 12.00 F.T.E.) $763,221

SECTION 7.080. — To the Department of Economic Development
For new and expanding industry training programs and basic industry retraining programs
From Missouri One Start Job Development Fund (0600) $17,395,000

SECTION 7.085. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Missouri One Start Job Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
From General Revenue Fund (0101) $14,901,594

SECTION 7.090. — To the Department of Economic Development
For the Missouri One Start Community College New Jobs Training Program
For training of workers by community college districts
From Missouri One Start Community College New Jobs Training Fund (0563) $16,000,000

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 7.095. — To the Department of Economic Development
For the Missouri One Start Community College Job Retention Training Program
From Missouri One Start Community College Job Retention Training Fund (0717) $11,000,000

SECTION 7.100. — To the Department of Economic Development
For the Strategy and Performance Division
provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
Personal Service $767,841
Expense and Equipment 205,779
From General Revenue Fund (0101) 973,620

Personal Service 394,693
Expense and Equipment 43,059
From Job Development and Training Fund (0155) 437,752
Personal Service
From Department of Economic Development Administrative Fund (0547) 176,697
Total (Not to exceed 22.00 F.T.E.) $1,588,069

SECTION 7.105. — To the Department of Economic Development
For Broadband Grants
From General Revenue Fund (0101) $5,000,000

SECTION 7.110. — To the Department of Economic Development
For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy and advocacy of the continued presence and expansion of military installations in the state, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
Personal Service $165,951
Expense and Equipment 440,120
From General Revenue Fund (0101) (Not to exceed 1.50 F.T.E.) $606,071

SECTION 7.111 — To the Department of Economic Development
For the Missouri Military Community Reinvestment Program
From General Revenue Fund (0101) $300,000

SECTION 7.115. — To the Department of Economic Development
For the Division of Tourism to include coordination of advertising of at least $70,000 for the Missouri State Fair, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service $1,751,231
Expense and Equipment 18,038,512
From Division of Tourism Supplemental Revenue Fund (0274) 19,789,743

For the Missouri Film Office
Expense and Equipment
From Division of Tourism Supplemental Revenue Fund (0274) 200,115

For a redevelopment authority to support the history and art form of American Jazz located within a home rule city with more than four hundred thousand inhabitants and located in more than one county
From Division of Tourism Supplemental Revenue Fund (0274) 100,000

For a museum, located within a home rule city with more than 400,000 inhabitants and located in more than one county, with archives which highlight African-American cultural contributions and history in Missouri
From Division of Tourism Supplemental Revenue Fund (0274) 75,000

For the celebration of Missouri's Bicentennial
From Division of Tourism Supplemental Revenue Fund (0274) 350,000
Expense and Equipment
From Tourism Marketing Fund (0650) 24,500
Total (Not to exceed 38.50 F.T.E.) $20,539,358

SECTION 7.120. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Division of Tourism Supplemental Revenue Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145
From General Revenue Fund (0101) $20,514,326

SECTION 7.125. — To the Department of Economic Development
For the Meet in Missouri Act, as provided in Section 620.1620, RSMo
From Major Economic Convention Event in Missouri Fund (0593) $500,000

SECTION 7.126. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Major Economic Convention Event in Missouri Fund
From General Revenue Fund (0101) $500,000

SECTION 7.130. — To the Department of Economic Development
For the Missouri Housing Development Commission
For general administration of affordable housing activities
For funding housing subsidy grants or loans
From Missouri Housing Trust Fund (0254) $4,450,000

SECTION 7.135. — To the Department of Economic Development
For the Administration Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment,

and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.145

Personal Service $825,769
Annual salary adjustment in accordance with Section 105.005, RSMo 1,500
Expense and Equipment 97,719
From General Revenue Fund (0101) 924,988

Personal Service 50,383
Expense and Equipment 1,777
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123) 52,160

Personal Service 355,960
Annual salary adjustment in accordance with Section 105.005, RSMo 1,248
Expense and Equipment 115,722
For refunds 12,000
From Department of Economic Development Administrative Fund (0547) 484,930
Total (Not to exceed 15.54 F.T.E.) $1,462,078

SECTION 7.140. — To the Department of Economic Development

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

From Division of Tourism Supplemental Revenue Fund (0274) $162,974

SECTION 7.145. — To the Department of Economic Development

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

From General Revenue Fund (0101) $1

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

For Administrative Services

Personal Service $134,762
Expense and Equipment 37,826
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (0503) (Not to exceed 2.07 F.T.E.) $172,588

SECTION 7.401. — To the Department of Insurance, Financial Institutions and Professional Registration

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From Federal and Other Funds (Various) $49,080

SECTION 7.405. — To the Department of Insurance, Financial Institutions and Professional Registration

Funds are to be transferred out of the State Treasury for administrative services to the Department of Insurance, Financial Institutions and Professional Registration Administrative Fund

From General Revenue Fund (0101)	$40,000
From Division of Credit Unions Fund (0548)	40,000
From Division of Finance Fund (0550)	125,000
From Insurance Dedicated Fund (0566)	40,264
From Manufactured Housing Fund (0582)	16,114
From Public Service Commission Fund (0607)	350,799
From Professional Registration Fees Fund (0689)	200,000
Total	$812,177

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

For Insurance Operations

Personal Service	$9,009,870
Expense and Equipment	1,992,410
From Insurance Dedicated Fund (0566)	11,002,280

For consumer restitution payments

From Consumer Restitution Fund (0792)	5,000
Total (Not to exceed 161.56 F.T.E.)	$11,007,280

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

For market conduct and financial examinations of insurance companies

Personal Service	$3,534,252
Expense and Equipment	767,448
From Insurance Examiners Fund (0552) (Not to exceed 43.30 F.T.E.)	$4,301,700

SECTION 7.420. — To the Department of Insurance, Financial Institutions and Professional Registration

For refunds

From Insurance Examiners Fund (0552)	$60,000
From Insurance Dedicated Fund (0566)	75,000
Total	$135,000

SECTION 7.425. — To the Department of Insurance, Financial Institutions and Professional Registration

For programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries

From Federal - Missouri Department of Insurance Fund (0192)	$1,250,000
From Insurance Dedicated Fund (0566)	200,000
Total	$1,450,000

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

For the Division of Credit Unions

Personal Service $1,207,273

Expense and Equipment 143,755

From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.) $1,351,028

SECTION 7.435. — To the Department of Insurance, Financial Institutions and Professional Registration

For the Division of Finance

Personal Service $8,324,528

Expense and Equipment 739,726

For Conference of State Bank Supervisors dues 140,000

For Out of State Examinations 48,250

From Division of Finance Fund (0550) (Not to exceed 112.15 F.T.E.) $9,252,504

SECTION 7.440. — To the Department of Insurance, Financial Institutions and Professional Registration

Funds are to be transferred out of the State Treasury, for the purpose of supervising state chartered savings and loan associations, to the Division of Finance Fund

From Division of Savings and Loan Supervision Fund (0549) $50,000

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

Funds are to be transferred out of the State Treasury, for the purpose of administering the Residential Mortgage Licensing Law, to the Division of Finance Fund

From Residential Mortgage Licensing Fund (0261) $1,200,000

SECTION 7.450. — To the Department of Insurance, Financial Institutions and Professional Registration

Funds are to be transferred out of the State Treasury in accordance with Section 369.324, RSMo, to the General Revenue Fund

From Division of Savings and Loan Supervision Fund (0549) $50,000

SECTION 7.455. — To the Department of Insurance, Financial Institutions and Professional Registration

For general administration of the Division of Professional Registration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service $3,835,685

Expense and Equipment 1,060,306

For examination and other fees 102,000

For Real Estate Appraiser Committee Fees 900,000

For refunds 125,000

From Professional Registration Fees Fund (0689) (Not to exceed 90.00 F.T.E.) $6,022,991

SECTION 7.460. — To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board of Accountancy

Personal Service $308,451

Expense and Equipment 246,991

From State Board of Accountancy Fund (0627) (Not to Exceed 7.00 F.T.E.) $555,442

SECTION 7.465. — To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects

Personal Service $381,678

Expense and Equipment 301,397

From State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund (0678) (Not to exceed 9.00 F.T.E.) $683,075

SECTION 7.470. — To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board of Chiropractic Examiners

Expense and Equipment

From State Board of Chiropractic Examiners' Fund (0630) $131,820

SECTION 7.475. — To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board of Cosmetology and Barber Examiners

Expense and Equipment $362,934

For criminal history checks 1,000

From Board of Cosmetology and Barber Examiners Fund (0785) $363,934

SECTION 7.480. — To the Department of Insurance, Financial Institutions and Professional Registration

For the Missouri Dental Board

Personal Service $373,501

Expense and Equipment 237,475

From Dental Board Fund (0677) (Not to exceed 7.50 F.T.E.) $610,976

SECTION 7.485. — To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board of Embalmers and Funeral Directors

Expense and Equipment

From Board of Embalmers and Funeral Directors' Fund (0633) $164,200

SECTION 7.490. — To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board of Registration for the Healing Arts

Personal Service $1,954,119

Expense and Equipment 753,115

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

From Board of Registration for the Healing Arts Fund (0634) (Not to exceed 44.00 F.T.E.) $2,707,234

SECTION 7.495. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Nursing
Personal Service $1,314,221
Expense and Equipment 577,518
From State Board of Nursing Fund (0635) 1,891,739

For competitive grants to eligible institutions of higher education based on a process and criteria jointly determined by the State Board of Nursing and the Department of Higher Education. Grant award amounts shall not exceed one hundred fifty thousand dollars ($150,000) and no campus shall receive more than one grant per year

From State Board of Nursing Fund (0635) 2,000,000
Total (Not to exceed 28.00 F.T.E.) $3,891,739

SECTION 7.500. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Optometry
Expense and Equipment
From Optometry Fund (0636) $34,726

SECTION 7.505. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Pharmacy
Personal Service $1,221,194
Expense and Equipment 1,418,418
For criminal history checks 5,000
From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.) $2,644,612

SECTION 7.510. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Podiatric Medicine
Expense and Equipment
From State Board of Podiatric Medicine Fund (0629) $13,734

SECTION 7.515. — To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Real Estate Commission
Personal Service $986,905
Expense and Equipment 276,669
From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.) $1,263,574

SECTION 7.520. — To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Veterinary Medical Board
Expense and Equipment $57,975

For payment of fees for testing services 50,000
From Veterinary Medical Board Fund (0639) $107,975

SECTION 7.525. — To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, for administrative costs, to the General Revenue Fund
From Professional Registration Board funds (Various) $1,461,218

SECTION 7.530. — To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, for payment of operating expenses, to the Professional Registration Fees Fund
From Professional Registration Board funds (Various) $9,665,697

SECTION 7.535. — To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund
From any board funds (Various) $200,000

SECTION 7.540. — To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, for the reimbursement of funds loaned for new licensing activity pursuant to Section 324.016, RSMo, to the appropriate board fund
From Professional Registration Fees Fund (0689) $320,000

SECTION 7.545. — To the Department of Insurance, Financial Institutions and Professional Registration
For Manufactured Housing
Personal Service $381,709
Expense and Equipment 354,466
For Manufactured Housing programs 20,000
For refunds 10,000
From Manufactured Housing Fund (0582) 766,175

For Manufactured Housing to pay consumer claims
From Manufactured Housing Consumer Recovery Fund (0909) 192,000
Total (Not to exceed 8.00 F.T.E.) $958,175

SECTION 7.550. — To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury to the Manufactured Housing Consumer Recovery Fund
From Manufactured Housing Fund (0582) $192,000

SECTION 7.555. — To the Department of Insurance, Financial Institutions and Professional Registration

For the Office of the Public Counsel, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$925,453
Expense and Equipment	94,415
From General Revenue Fund (0101) (Not to exceed 16.00 F.T.E.)	$1,019,868

SECTION 7.560. — To the Department of Insurance, Financial Institutions and Professional Registration

For the Public Service Commission

For general administration of utility regulation activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$11,390,427
Annual salary adjustment in accordance with Section 105.005, RSMo	10,959
Expense and Equipment	2,282,816
For refunds	10,000
From Public Service Commission Fund (0607)	13,694,202

For the Deaf Relay Service and Equipment Distribution Program

From Deaf Relay Service and Equipment Distribution Program Fund (0559)	2,495,808
Total (Not to exceed 191.00 F.T.E.)	$16,190,010

SECTION 7.800. — To the Department of Labor and Industrial Relations

For the Director and Staff

Expense and Equipment

From Unemployment Compensation Administration Fund (0948)	$1,450,000

Personal Service	2,503,649
Annual salary adjustment in accordance with Section 105.005, RSMo	2,579
Expense and Equipment	1,387,507
From Department of Labor and Industrial Relations Administrative Fund (0122)	3,893,735
Total (Not to exceed 44.65 F.T.E.)	$5,343,735

SECTION 7.801. — To the Department of Labor and Industrial Relations

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101)	$130
From Federal and Other Funds (Various)	8,938
Total	$9,068

SECTION 7.805. — To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Labor and Industrial Relations

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

From General Revenue Fund (0101) $424,193
From Division of Labor Standards - Federal Fund (0186) 73,296
From Unemployment Compensation Administration Fund (0948) 3,665,874
From Workers' Compensation Fund (0652) 1,046,092
From Special Employment Security Fund (0949) 163,000
Total $5,372,455

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

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

From General Revenue Fund (0101) $174,226
From the Division of Labor Standards - Federal Fund (0186) 42,815
From Unemployment Compensation Administration Fund (0948) 5,094,142
From Workers' Compensation Fund (0652) 907,717
From Special Employment Security Fund (0949) 85,804
Total $6,304,704

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

For the Labor and Industrial Relations Commission

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

Personal Service $9,716
Expense and Equipment 594
From General Revenue Fund (0101) 10,310

Personal Service 497,569
Annual salary adjustment in accordance with Section 105.005, RSMo 3,287
Expense and Equipment 30,573
From Unemployment Compensation Administration Fund (0948) 531,429
Personal Service 459,136
Annual salary adjustment in accordance with Section 105.005, RSMo 3,288
Expense and Equipment 28,255
From Workers' Compensation Fund (0652) 490,679
Total (Not to exceed 13.59 F.T.E.) $1,032,418

SECTION 7.820. — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

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

Personal Service $53,076
Expense and Equipment 19,681
From General Revenue Fund (0101) 72,757

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

For the Child Labor Program, provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
Personal Service
From General Revenue Fund (0101) 48,043

Expense and Equipment
From Child Labor Enforcement Fund (0826) 79,450

For the Prevailing Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
Personal Service 39,005
Expense and Equipment 751
From General Revenue Fund (0101) 39,756

For the Minimum Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
Personal Service 174,939
Expense and Equipment 17,260
From General Revenue Fund (0101) 192,199
Total (Not to exceed 7.22 F.T.E.) $464,875

SECTION 7.825. — To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For safety and health programs
Personal Service $741,947
Expense and Equipment 290,893
From Division of Labor Standards - Federal Fund (0186) 1,032,840

Personal Service 128,998
Expense and Equipment 39,542
From Workers' Compensation Fund (0652) 168,540
Total (Not to exceed 17.00 F.T.E.) $1,201,380

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 7.830. — To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For mine safety and health training programs
Personal Service $193,582
Expense and Equipment 147,081
From Division of Labor Standards - Federal Fund (0186) 340,663

Personal Service 107,121
Expense and Equipment 12,119
From Workers' Compensation Fund (0652) 119,240

For the Mine and Cave Inspection Program
provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
Personal Service 69,719
Expense and Equipment 6,083
From General Revenue Fund (0101) 75,802

Personal Service 49,267
Expense and Equipment 18,000
From State Mine Inspection Fund (0973) 67,267
Total (Not to exceed 7.50 F.T.E.) $602,972

SECTION 7.835. — To the Department of Labor and Industrial Relations
For the State Board of Mediation
provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
Personal Service $120,553
Expense and Equipment 81,430
From General Revenue Fund (Not to exceed 2.00 F.T.E.) $201,983

SECTION 7.840. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For the purpose of funding Administration
Personal Service $78,625
Expense and Equipment 10,330
From Work Comp Labor Stats Fund (0106) 88,955

Personal Service 8,343,159
Expense and Equipment 1,381,441
From Workers' Compensation Fund (0652) 9,724,600

Expense and Equipment
From Tort Victims' Compensation Fund (0622) 4,836
Total (Not to exceed 147.25 F.T.E.) $9,818,391

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 7.845. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payment of special claims
From Workers' Compensation - Second Injury Fund (0653) $124,060,833

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

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

SECTION 7.860. — To the Department of Labor and Industrial Relations
Funds are to be transferred out of the State Treasury to the Line of Duty Compensation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
From General Revenue Fund (0101) $450,000

SECTION 7.865. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payments of claims to tort victims
From Tort Victims' Compensation Fund (0622) $3,700,000

SECTION 7.870. — To the Department of Labor and Industrial Relations
Funds are to be transferred out of the State Treasury, pursuant to Section 537.675, RSMo, to the Basic Civil Legal Services Fund
From Tort Victims' Compensation Fund (0622) $1,300,000

SECTION 7.875. — To the Department of Labor and Industrial Relations
For the design and construction of a Workers Memorial
From Workers Memorial Fund (0895) $150,000

SECTION 7.880. — To the Department of Labor and Industrial Relations
For the Division of Employment Security, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
Personal Service $23,447,681
Expense and Equipment 5,786,570
From Unemployment Compensation Administration Fund (0948) 29,234,251

Personal Service 430,421
Expense and Equipment 16,143
From Unemployment Automation Fund (0953) 446,564
Total (Not to exceed 520.21 F.T.E.) $29,680,815

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 7.885. — To the Department of Labor and Industrial Relations
For the Division of Employment Security
For administration of programs authorized and funded by the United States Department of Labor, such as Disaster Unemployment Assistance (DUA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Employment Security
From Unemployment Compensation Administration Fund (0948) $11,000,000

SECTION 7.890. — To the Department of Labor and Industrial Relations
For the Division of Employment Security
Personal Service $585,961
Expense and Equipment 6,498,000
From Special Employment Security Fund (0949) (Not to exceed 15.00 F.T.E.) $7,083,961

SECTION 7.895. — To the Department of Labor and Industrial Relations
For the Division of Employment Security
For the War on Terror Unemployment Compensation Program
Expense and Equipment $5,000
For payment of benefits 35,000
From War on Terror Unemployment Compensation Fund (0736) $40,000

SECTION 7.900. — To the Department of Labor and Industrial Relations
For the Division of Employment Security
For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $5,000,000

SECTION 7.905. — To the Department of Labor and Industrial Relations
For the Missouri Commission on Human Rights
provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
Personal Service $540,012
Expense and Equipment 16,338
From General Revenue Fund (0101) 556,350
Personal Service 708,546
Expense and Equipment 103,244
From Department of Labor and Industrial Relations - Commission on Human Rights - Federal Fund (0117) 811,790

For the Martin Luther King, Jr. State Celebration Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910
From General Revenue Fund (0101) 55,086
From Martin Luther King, Jr. State Celebration Commission Fund (0438) 5,000
Total (Not to exceed 25.70 F.T.E.) $1,428,226

SECTION 7.910. — To the Department of Labor and Industrial Relations

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

From General Revenue Fund (0101) $1

Department of Economic Development Totals

General Revenue Fund $86,477,746
Federal Funds 115,585,647
Other Funds 38,007,933
Total $240,071,326

Department of Insurance, Financial Institutions & Professional Registration Totals

General Revenue Fund $1,019,868
Federal Funds 1,250,000
Other Funds 62,533,397
Total $64,803,265

Department of Labor & Industrial Relations Totals

General Revenue Fund $2,300,836
Federal Funds 53,404,850
Other Funds 148,346,396
Total $204,052,082

Approved June 10, 2019

CCS SCS HCS HB 8

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

PART 1

SECTION 8.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and

from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

SECTION 8.005. — To the Department of Public Safety

For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.315

Personal Service	$1,230,666
Annual salary Adjustment in accordance with Section 105.005, RSMo	1,807
Expense and Equipment	146,658
From General Revenue Fund (0101)	1,379,131
Personal Service	331,729
Expense and Equipment	710,878
From Department of Public Safety Federal Fund (0152)	1,042,607
Personal Service	325,867
Expense and Equipment	99,800
From Justice Assistance Grant Program Fund (0782)	425,667
Personal Service	74,599
Expense and Equipment	10,042
From Services to Victims Fund (0592)	84,641
Personal Service	535,867
Expense and Equipment	1,453,268
From Crime Victims' Compensation Fund (0681)	1,989,135
Expense and Equipment	
From Missouri Crime Prevention Information and Programming Fund (0253)	1,000
Expense and Equipment	
From Antiterrorism Fund (0759)	15,000
Personal Service	1,280,825
Expense and Equipment	17,998,600
From Department of Public Safety Federal Homeland Security Fund (0193)	19,279,425
Personal Service	92,550
Expense and Equipment	813,000
From MODEX Fund (0867)	905,550

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds
Personal Service 47,055
Expense and Equipment 2,455,000
From Department of Public Safety Federal Fund (0152) 2,502,055

For drug task force grants, provided three percent (3%) be allowed for grant administration
Personal Service 51,188
Expense and Equipment 1,850,772
From General Revenue Fund (0101) 1,901,960
Total (Not to exceed 73.05 F.T.E.) $29,526,171

SECTION 8.006. — To the Department of Public Safety
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $1,450
From Federal and Other Funds (Various) 42,360
Total $43,810

SECTION 8.010. — To the Department of Public Safety
For the Office of the Director
For the Juvenile Justice Delinquency Prevention Program
From Department of Public Safety Federal Fund (0152) $722,492

SECTION 8.015. — To the Department of Public Safety
For the Office of the Director
For the Narcotics Control Assistance Program and multi-jurisdictional task forces, provided that any advisory group shall be staffed by chief law enforcement personnel from either a police or sheriff's agency, or the Superintendent of the Missouri State Highway Patrol or his or her commissioned designee
From Justice Assistance Grant Program Fund (0782) $4,450,000

SECTION 8.020. — To the Department of Public Safety
For the Office of the Director
For the Missouri Sheriff Methamphetamine Relief Taskforce
For supplementing deputy sheriffs' salary and related employment benefits pursuant to Section 57.278, RSMo
From Deputy Sheriff Salary Supplementation Fund (0913) $7,200,000

SECTION 8.025. — To the Department of Public Safety
For the Office of the Director

For operating grants to local law enforcement cyber crimes task forces, provided three percent (3%) is allowed for grant administration and three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $16,891
Expense and Equipment 1,984,227
From General Revenue Fund (0101) $2,001,118

SECTION 8.030. — To the Department of Public Safety
For the Office of the Director
To provide financial assistance to the spouses, children, and other dependents of any local law enforcement officers, paramedics, emergency medical technicians, corrections officers, and/or firefighters who have lost their lives performing their duties. Deaths from natural causes, illnesses, or injuries are outside the program's scope, provided three percent (3%) flexibility is allowed from this section to Section 8.315
From General Revenue Fund (0101) $50,000

SECTION 8.035. — To the Department of Public Safety
For the Office of the Director
For the Services to Victims Program, provided three percent (3%) of each grant award be allowed for the administrative expenses of each grantee
From Services to Victims Fund (0592) $2,000,000

SECTION 8.040. — To the Department of Public Safety
For the Office of the Director
For the Violence Against Women Program
From Department of Public Safety Federal Fund (0152) $3,294,232

SECTION 8.045. — To the Department of Public Safety
For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.315
For the Crime Victims' Compensation Program
From General Revenue Fund (0101) $1,600,000
From Department of Labor and Industrial Relations - Crime Victims - Federal Fund (0191) 3,900,000
From Crime Victims' Compensation Fund (0681) 4,837,329

Personal Service 60,900
Expense and Equipment 160,000
From Department of Labor and Industrial Relations - Crime Victims - Federal Fund (0191) 220,900

For reimbursing SAFE-Care providers for performing forensic medical exams on children suspected of having been physically abused
Personal Service 31,770
Expense and Equipment 1,022,000
From General Revenue Fund (0101) 1,053,770
Total (Not to exceed 1.00 F.T.E.) $11,611,999

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 8.050. — To the Department of Public Safety
For the National Forensic Sciences Improvement Act Program
From Department of Public Safety Federal Fund (0152) $236,000

SECTION 8.055. — To the Department of Public Safety
For the State Forensic Laboratory Program
From State Forensic Laboratory Fund (0591) $400,000

SECTION 8.060. — To the Department of Public Safety
For the Office of the Director
For the Residential Substance Abuse Treatment Program
From Department of Public Safety Federal Fund (0152) $505,000

SECTION 8.065. — To the Department of Public Safety
For the Office of the Director
For peace officer training
From Peace Officer Standards and Training Commission Fund (0281) $950,000

SECTION 8.070. — To the Department of Public Safety
For the Capitol Police
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 8.315
From General Revenue Fund (0101) (Not to exceed 40.00 F.T.E.) $1,824,003

SECTION 8.075. — To the Department of Public Safety
For the State Highway Patrol
For Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $264,016
Expense and Equipment 11,524
From General Revenue Fund (0101) 275,540

Personal Service 6,518,675
Expense and Equipment 527,891
From State Highways and Transportation Department Fund (0644) 7,046,566

Personal Service
From Criminal Record System Fund (0671) 1,583

Personal Service 36,657
Expense and Equipment 12,965
From Gaming Commission Fund (0286) 49,622

Personal Service
From Water Patrol Division Fund (0400) 100,174

For the High-Intensity Drug Trafficking Area Program
From Department of Public Safety Federal Fund (0152) 2,598,000
Total (Not to exceed 122.00 F.T.E.) $10,071,485

SECTION 8.080. — To the Department of Public Safety
For the State Highway Patrol
For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System and insurance premiums, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $13,552,021
Expense and Equipment 1,130,467
From General Revenue Fund (0101) 14,682,488

Personal Service 3,931,187
Expense and Equipment 165,294
From Department of Public Safety Federal Fund (0152) 4,096,481

Personal Service 665,080
Expense and Equipment 466,286
From Gaming Commission Fund (0286) 1,131,366

Personal Service 1,400,789
Expense and Equipment 118,372
From Water Patrol Division Fund (0400) 1,519,161

Personal Service 88,896,633
Expense and Equipment 7,176,186
From State Highways and Transportation Department Fund (0644) 96,072,819

Personal Service 3,742,616
Expense and Equipment 265,890
From Criminal Record System Fund (0671) 4,008,506

Personal Service 93,970
Expense and Equipment 11,606
From Highway Patrol Academy Fund (0674) 105,576

Personal Service 4,751
Expense and Equipment 785
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) 5,536

Personal Service 60,724
Expense and Equipment 6,112
From DNA Profiling Analysis Fund (0772) 66,836

Personal Service 64,972
Expense and Equipment 5,383
From Highway Patrol Traffic Records Fund (0758) 70,355

Personal Service 76,047
Expense and Equipment 8,160
From Highway Patrol Inspection Fund (0297) 84,207
Total $121,843,331

SECTION 8.085. — To the Department of Public Safety
For the State Highway Patrol
For the Enforcement Program, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $10,440,132
Expense and Equipment 2,132,568
From General Revenue Fund (0101) 12,572,700

Personal Service 77,743,601
Expense and Equipment 6,486,658
From State Highways and Transportation Department Fund (0644) 84,230,259

Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund (0194) 400,000

Personal Service
From Criminal Record System Fund (0671) 15,527

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

Personal Service 8,168
Expense and Equipment 397,625
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) 405,793

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

Personal Service
From Water Patrol Division Fund (0400) 89,130

For the Governor's Security Detail
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.) 957,355

For receiving and expending grants, donations, contracts, and payments from private, federal, and other government agencies provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds
Personal Service 5,307,375
Expense and Equipment 5,852,940
From Department of Public Safety Federal Fund (0152) 11,160,315

For a statewide interoperable communication system
Expense and Equipment
From State Highways and Transportation Department Fund (0644) 9,712,926
Total (Not to exceed 1,304.00 F.T.E.) $120,177,335

SECTION 8.090. — To the Department of Public Safety
For the State Highway Patrol
For the Water Patrol Division, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $3,812,561
Expense and Equipment 384,764
From General Revenue Fund (0101) 4,197,325

Personal Service 290,757
Expense and Equipment 2,225,990
From Department of Public Safety Federal Fund (0152) 2,516,747

Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund (0194) 16,499

Personal Service 1,753,615
Expense and Equipment 840,000
From Water Patrol Division Fund (0400) 2,593,615
Total (Not to exceed 82.00 F.T.E.) $9,324,186

SECTION 8.095. — To the Department of Public Safety
For the State Highway Patrol
For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Expense and Equipment
From General Revenue Fund (0101) $390,817
From Gaming Commission Fund (0286) 775,366
From State Highways and Transportation Department Fund (0644) 4,837,264
Total $6,003,447

SECTION 8.100. — To the Department of Public Safety
For the State Highway Patrol

For the purchase of vehicles, aircraft, and watercraft for the State Highway Patrol and the Gaming Commission in accordance with Section 43.265, RSMo, also for maintenance and repair costs for vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Expense and Equipment
From General Revenue Fund (0101) $500,000
From State Highways and Transportation Department Fund (0644) 6,323,075

From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) 7,713,448
From Gaming Commission Fund (0286) 549,074
Total $15,085,597

SECTION 8.105. — To the Department of Public Safety
For the State Highway Patrol
For Crime Labs, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $2,860,847
Expense and Equipment 811,393
From General Revenue Fund (0101) 3,672,240

Personal Service 4,187,749
Expense and Equipment 1,584,749
From State Highways and Transportation Department Fund (0644) 5,772,498

Personal Service 67,557
Expense and Equipment 1,478,305
From DNA Profiling Analysis Fund (0772) 1,545,862

Personal Service 239,435
Expense and Equipment 900,000
From Department of Public Safety Federal Fund (0152) 1,139,435

Personal Service 357,357
Expense and Equipment 2,575
From Criminal Record System Fund (0671) 359,932

Expense and Equipment
From State Forensic Laboratory Fund (0591) 357,633
Total (Not to exceed 124.00 F.T.E.) $12,847,600

SECTION 8.110. — To the Department of Public Safety
For the State Highway Patrol
For the Law Enforcement Academy, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service
From General Revenue Fund (0101) $82,607

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

Personal Service 182,393
Expense and Equipment 79,440
From Gaming Commission Fund (0286) 261,833

Personal Service 1,382,451
Expense and Equipment 73,576
From State Highways and Transportation Department Fund (0644) 1,456,027

Personal Service 106,307
Expense and Equipment 581,717
From Highway Patrol Academy Fund (0674) 688,024
Total (Not to exceed 35.00 F.T.E.) $2,548,146

SECTION 8.115. — To the Department of Public Safety
For the State Highway Patrol
For Vehicle and Driver Safety
Expense and Equipment
From Department of Public Safety Federal Fund (0152) $350,000

Personal Service 11,641,966
Expense and Equipment 1,110,790
From State Highways and Transportation Department Fund (0644) 12,752,756

Personal Service 130,707
Expense and Equipment 360,632
From Highway Patrol Inspection Fund (0297) 491,339
Total (Not to exceed 300.00 F.T.E.) $13,594,095

SECTION 8.120. — To the Department of Public Safety
For the State Highway Patrol
For refunding unused motor vehicle inspection stickers
From State Highways and Transportation Department Fund (0644) $100,000

SECTION 8.125. — To the Department of Public Safety
For the State Highway Patrol
For Technical Services, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $249,943
Expense and Equipment 534,864
From General Revenue Fund (0101) 784,807
Personal Service 457,523
Expense and Equipment 4,995,285
From Department of Public Safety Federal Fund (0152) 5,452,808

Personal Service 16,468,316
Expense and Equipment 14,839,238
From State Highways and Transportation Department Fund (0644) 31,307,554

Personal Service 3,998,480
Expense and Equipment 2,105,243
For National Criminal Record Reviews 3,000,000
From Criminal Record System Fund (0671) 9,103,723

For Livescan purchases, Livescan lease agreements in full, and Livescan maintenance costs incurred by local and county law enforcement
From Criminal Record System Fund (0671) 1,945,000

Personal Service 21,866
Expense and Equipment 83,040
From Gaming Commission Fund (0286) 104,906

Personal Service
From Highway Patrol Traffic Records Fund (0758) 84,164

Expense and Equipment
From Criminal Justice Network and Technology Revolving Fund (0842) 2,819,050
Total (Not to exceed 369.00 F.T.E.) $51,602,012

SECTION 8.130. — To the Department of Public Safety
For the State Highway Patrol
For the recoupment, receipt, and disbursement of funds for equipment replacement and expenses
Expense and Equipment
From Highway Patrol Expense Fund (0793) $65,000

SECTION 8.135. — To the Department of Public Safety
Funds are to be transferred out of the State Treasury to the State Road Fund pursuant to Section 307.365, RSMo
From Highway Patrol Inspection Fund (0297) $2,000,000

SECTION 8.140. — To the Department of Public Safety
For the Division of Alcohol and Tobacco Control
Personal Service $426,504
Expense and Equipment 397,594
From Department of Public Safety Federal Fund (0152) 824,098

Personal Service 1,774,340
Expense and Equipment 566,330
From Division of Alcohol and Tobacco Control Fund (0544) 2,340,670
Total (Not to exceed 35.00 F.T.E.) $3,164,768

SECTION 8.145. — To the Department of Public Safety
For the Division of Alcohol and Tobacco Control
For refunds for unused liquor and beer licenses and for liquor and beer stamps not used and canceled
From General Revenue Fund (0101) $55,000

SECTION 8.150. — To the Department of Public Safety
For the Division of Fire Safety, provided for all funds in this section, five percent (5%) flexibility is allowed between personal service and expense and equipment, no flexibility is allowed from expense and equipment to personal service and three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $2,399,704
Expense and Equipment 238,643
From General Revenue Fund (0101) 2,638,347

Personal Service 422,475
Expense and Equipment 54,615
From Elevator Safety Fund (0257) 477,090

Personal Service 457,043
Expense and Equipment 142,571
From Boiler and Pressure Vessels Safety Fund (0744) 599,614

Personal Service 90,505
Expense and Equipment 12,027
From Missouri Explosives Safety Act Administration Fund (0804) 102,532
Total (Not to exceed 70.92 F.T.E.) $3,817,583

SECTION 8.155. — To the Department of Public Safety
For the Division of Fire Safety
For the Fire Safe Cigarette Program
Personal Service $21,547
Expense and Equipment 10,204
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937) $31,751

SECTION 8.160. — To the Department of Public Safety
For the Division of Fire Safety
For firefighter training contracted services, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Expense and Equipment
From General Revenue Fund (0101) $500,000
From Chemical Emergency Preparedness Fund (0587) 100,000
From Fire Education Fund (0821) 250,000
From Boiler and Pressure Vessels Safety Fund (0744) 100,000
Total $950,000

SECTION 8.165. — To the Department of Public Safety
For the Missouri Veterans' Commission
For Administration and Service to Veterans
Personal Service $4,773,147
Expense and Equipment 1,456,213
From Veterans Commission Capital Improvement Trust Fund (0304) 6,229,360

Expense and Equipment
From Veterans' Trust Fund (0579) 23,832
Total (Not to exceed 117.21 F.T.E.) $6,253,192

SECTION 8.170. — To the Department of Public Safety
For the Missouri Veterans' Commission
For the restoration, renovation, and maintenance of a World War I Memorial
From World War I Memorial Trust Fund (0993) $150,000

SECTION 8.175. — To the Department of Public Safety
For the Missouri Veterans' Commission
For the Veterans' Service Officer Program
From Veterans Commission Capital Improvement Trust Fund (0304) $1,600,000

SECTION 8.180. — To the Department of Public Safety
For the Missouri Veterans' Commission
For Missouri Veterans' Homes
Personal Service $57,874,806
Expense and Equipment 24,254,330
From Missouri Veterans' Homes Fund (0460) 82,129,136

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

Personal Service
From Veterans Commission Capital Improvement Trust Fund (0304) 30,887

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

For overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From Missouri Veterans' Homes Fund (0460) 1,644,794
Total (Not to exceed 1,636.48 F.T.E.) $85,129,197

SECTION 8.185. — To the Department of Public Safety
For the Missouri Veterans' Commission
For the operations of Veterans' Homes and cemeteries, utilities, systems furniture, and structural modifications
From Veterans Commission Capital Improvement Trust Fund (0304) $3,448,501

SECTION 8.190. — To the Department of Public Safety
Funds are to be transferred out of the State Treasury to the Missouri Veterans' Homes Fund
From Veterans Commission Capital Improvement Trust Fund (0304) $30,000,000

SECTION 8.195. — To the Department of Public Safety
For the Gaming Commission
For the Divisions of Gaming and Bingo
Personal Service $15,091,937
Expense and Equipment 1,726,519
From Gaming Commission Fund (0286) 16,818,456

Expense and Equipment
From Compulsive Gamblers Fund (0249) 56,310
Total (Not to exceed 234.75 F.T.E.) $16,874,766

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 8.200. — To the Department of Public Safety
For the Gaming Commission
For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums for State Highway Patrol employees assigned to work under the direction of the Gaming Commission
Personal Service $7,089,567
Expense and Equipment 267,317
From Gaming Commission Fund (0286) $7,356,884

SECTION 8.205. — To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Commission Fund
From Gaming Commission Fund (0286) $100,000

SECTION 8.210. — To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount received for bingo fees
From Bingo Proceeds for Education Fund (0289) $5,000

SECTION 8.215. — To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Proceeds for Education Fund
From Gaming Proceeds for Education Fund (0285) $50,000

SECTION 8.220. — To the Department of Public Safety
For the Gaming Commission
For breeder incentive payments
From Missouri Breeders Fund (0605) $5,000

SECTION 8.225. — To the Department of Public Safety
Funds are to be transferred out of the State Treasury to the Veterans Commission Capital Improvement Trust Fund
From Gaming Commission Fund (0286) $32,000,000

SECTION 8.230. — To the Department of Public Safety
Funds are to be transferred out of the State Treasury to the Missouri National Guard Trust Fund
From Gaming Commission Fund (0286) $4,000,000

SECTION 8.235. — To the Department of Public Safety
Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance Fund
From Gaming Commission Fund (0286) $5,000,000

SECTION 8.240. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Compulsive Gamblers Fund

From Gaming Commission Fund (0286) $194,181

SECTION 8.245. — To the Adjutant General

For Missouri Military Forces Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.315

Personal Service $1,092,233
Expense and Equipment 184,883
From General Revenue Fund (0101) 1,277,116

Expense and Equipment

From Missouri National Guard Trust Fund (0900) 30,000

Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund (0194) 240,000
Total (Not to exceed 29.48 F.T.E.) $1,547,116

SECTION 8.250. — To the Adjutant General

For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program, provided three percent (3%) flexibility is allowed from this section to Section 8.315

Personal Service $40,226
Expense and Equipment 3,343,957
From General Revenue Fund (0101) 3,384,183

Personal Service 1,345,084
Expense and Equipment 3,226,247
From Missouri National Guard Trust Fund (0900) 4,571,331
Total (Not to exceed 42.40 F.T.E.) $7,955,514

SECTION 8.255. — To the Adjutant General

For maintenance and repair of the U.S.S. Missouri Memorial at Pearl Harbor, provided that three percent (3%) flexibility is allowed from this section to Section 8.315

From General Revenue Fund (0101) $250,000

SECTION 8.260. — To the Adjutant General

For the Veterans Recognition Program

Personal Service $98,896
Expense and Equipment 536,732
From Veterans Commission Capital Improvement Trust Fund (0304) (Not to exceed 3.00 F.T.E.) $635,628

SECTION 8.265. — To the Adjutant General
For Missouri Military Forces Field Support, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $742,459
Expense and Equipment 1,741,217
From General Revenue Fund (0101) 2,483,676

Personal Service 106,010
Expense and Equipment 98,417
From Adjutant General - Federal Fund (0190) 204,427
Total (Not to exceed 40.37 F.T.E.) $2,688,103

SECTION 8.270. — To the Adjutant General
For operational expenses at armories from armory rental fees
Expense and Equipment
From Adjutant General Revolving Fund (0530) $25,000

SECTION 8.275. — To the Adjutant General
For the Missouri Military Family Relief Program
Expense and Equipment $10,000

For grants to family members of the National Guard and reservists who are in financial need 140,000
From Missouri Military Family Relief Fund (0719) $150,000

SECTION 8.280. — To the Adjutant General
For training site operating costs
Expense and Equipment
From Missouri National Guard Training Site Fund (0269) $330,000

SECTION 8.285. — To the Adjutant General
For Military Forces Contract Services, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $458,532
Expense and Equipment 19,773
From General Revenue Fund (0101) 478,305

Personal Service 12,515,360
Expense and Equipment 16,803,556
From Adjutant General - Federal Fund (0190) 29,318,916

Personal Service
From Missouri National Guard Training Site Fund (0269) 21,436

Expense and Equipment
From Missouri National Guard Trust Fund (0900) 673,925

For refund of federal overpayments to the state for the Contract Services Program
From Adjutant General - Federal Fund (0190) 865,561
Total (Not to exceed 353.80 F.T.E.) $31,358,143

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SECTION 8.290. — To the Adjutant General
For the Office of Air Search and Rescue, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Expense and Equipment
From General Revenue Fund (0101) $31,243

SECTION 8.295. — To the Department of Public Safety
For the State Emergency Management Agency
For Administration and Emergency Operations, provided three percent (3%) flexibility is allowed from this section to Section 8.315
Personal Service $1,340,501
Expense and Equipment 202,974
From General Revenue Fund (0101) 1,543,475

Personal Service 1,819,213
Expense and Equipment 905,607
From State Emergency Management - Federal Fund (0145) 2,724,820

Personal Service 286,709
Expense and Equipment 27,350
From Missouri Disaster Fund (0663) 314,059

Personal Service 1,683,434
Expense and Equipment 659,811
From Department of Health and Senior Services - Federal Fund (0143) 2,343,245

Personal Service 167,696
Expense and Equipment 85,117
From Chemical Emergency Preparedness Fund (0587) 252,813
Total (Not to exceed 94.49 F.T.E.) $7,178,412

SECTION 8.300. — To the Department of Public Safety
For the State Emergency Management Agency
For the Missouri Task Force 1
For expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it responds to emergencies and disasters in the state of Missouri and conducts annual training and exercises. These expenses may include, but are not limited to personnel salaries and benefits, supplies, and repair or replacement of damaged equipment, provided three percent (3%) flexibility is allowed from this section to Section 8.315
From General Revenue Fund (0101) $125,000

SECTION 8.305. — To the Department of Public Safety
For the State Emergency Management Agency
For the Community Right-to-Know Act
From Chemical Emergency Preparedness Fund (0587) $650,000

For local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990
From State Emergency Management - Federal Fund (0145)..... 750,000
Total.....$1,400,000

SECTION 8.310. — To the Department of Public Safety
For the State Emergency Management Agency
For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs, provided three percent (3%) flexibility is allowed from this section to Section 8.315
From State Emergency Management - Federal Fund (0145).....$19,262,386

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters
From Missouri Disaster Fund (0663).....100,507,229

For matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo
From General Revenue Fund (0101).....10,000,000

For expenses relating to Flood Mitigation, Prevention and Recovery
From General Revenue Fund (0101).....6,000,000

For expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief
From General Revenue Fund (0101)..... 3,390,729
Total.....$139,160,344

SECTION 8.315. — To the Department of Public Safety
Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo
From General Revenue Fund (0101).....$1

PART 2

SECTION 8.400. — To the Department of Public Safety
In reference to all sections in Part 1 of this act:
No funds shall be spent for any flight on a state aircraft where an elected official will be on board without a flight plan being made publicly available via a global aviation data services organization that operates both a website and mobile application which provides free flight tracking of both private and commercial aircraft.

Bill Totals
General Revenue Fund.....$80,029,386
Federal Funds.....220,860,954

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Other Funds..... 451,562,904
Total.....$752,453,244

Approved June 10, 2019

CCS SCS HCS HB 9

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 9.005. — To the Department of Corrections
For the Office of the Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service.....$3,613,027
Annual salary Adjustment in accordance with Section 105.005, RSMo..... 2,578
Expense and Equipment..... 105,678
From General Revenue Fund (0101)..... 3,721,283

Personal Service..... 69,538
Expense and Equipment..... 1,800
From Inmate Fund (0540)..... 71,338

Personal Service..... 31,562
Expense and Equipment..... 532
From Crime Victims' Compensation Fund (0681)..... 32,094

For Family Support Services
From General Revenue Fund (0101)..... 384,093
From Department of Corrections - Federal Fund (0130)..... 71,024
Total (Not to exceed 84.50 F.T.E.)..... $4,279,832

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 9.006. — To the Department of Corrections
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $76,409
From Federal and Other Funds (Various) 251
Total $76,660

SECTION 9.010. — To the Department of Corrections
For the Office of Professional Standards, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $2,481,739
Expense and Equipment 120,900
From General Revenue Fund (0101) (Not to exceed 54.00 F.T.E.) $2,602,639

SECTION 9.015. — To the Department of Corrections
For the Office of the Director
For the Offender Reentry Program, provided three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $1,800,001

Expense and Equipment
From Inmate Fund (0540) 133,060

For a Kansas City Reentry Program
Expense and Equipment
From General Revenue Fund (0101) 178,000
Total $2,111,061

SECTION 9.020. — To the Department of Corrections
For the Office of the Director
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they should be expended, in writing, prior to the use of said funds
Personal Service $2,456,783
Expense and Equipment 2,258,589
From Department of Corrections - Federal Fund (0130) 4,715,372

For contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled
From State Institutions Gift Trust Fund (0925) 75,000
Total (Not to exceed 43.00 F.T.E.) $4,790,372

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SECTION 9.025. — To the Department of Corrections
For the Office of the Director
For Justice Reinvestment services, provided three percent (3%) flexibility is allowed from this section to Section 9.280
From General Revenue Fund (0101) $6,000,000

SECTION 9.030. — To the Department of Corrections
For the Office of the Director

For costs associated with increased offender population department wide including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time, provided thirty percent (30%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $3,158,860
Expense and Equipment 1
From General Revenue Fund (0101) $3,158,861

SECTION 9.035. — To the Department of Corrections
For the Office of the Director
For restitution payments for those wrongly convicted, provided three percent (3%) flexibility is allowed from this section to Section 9.280
From General Revenue Fund (0101) $75,278

SECTION 9.040. — To the Department of Corrections
For the Division of Human Services
For telecommunications department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $1,860,529

SECTION 9.045. — To the Department of Corrections
For the Division of Human Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $7,512,191
Expense and Equipment 83,989
From General Revenue Fund (0101) (Not to exceed 192.02 F.T.E.) $7,596,180

SECTION 9.050. — To the Department of Corrections
For the Division of Human Services
For general services, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment
From General Revenue Fund (0101) $411,834

SECTION 9.055. — To the Department of Corrections
For the Division of Human Services
For the operation of institutional facilities, utilities, systems furniture and structural modifications, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $26,973,910
From Working Capital Revolving Fund (0510) 1,425,607
Total $28,399,517

SECTION 9.060. — To the Department of Corrections
For the Division of Human Services
For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $31,183,488

SECTION 9.065. — To the Department of Corrections
For the Division of Human Services
For training costs department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $674,909

SECTION 9.070. — To the Department of Corrections
For the Division of Human Services
For employee health and safety, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $580,135

SECTION 9.075. — To the Department of Corrections
For the Division of Human Services
For overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $6,268,687

SECTION 9.080. — To the Department of Corrections
For the Division of Human Services
For a retention pay plan for department employees, provided one-hundred percent (100%) flexibility is allowed into this section, zero percent (0%) flexibility is allowed out of this section and three percent (3%) flexibility is allowed from this section to Section 9.280
From General Revenue Fund (0101) $8,748,017
From Department of Corrections - Federal Fund (0130) 31,380
From Inmate Canteen Fund (0405) 108,122
From Working Capital Revolving Fund (0510) 150,647
From Inmate Fund (0540) 193
From Crime Victims' Compensation Fund (0681) 77
Total $9,038,436

SECTION 9.085. — To the Department of Corrections
For the Division of Adult Institutions
For expenses and small equipment purchased at any of the adult institutions department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
From General Revenue Fund (0101) $21,606,561
From Inmate Incarceration Reimbursement Act Revolving Fund (0828) 750,000

For Vehicle Purchases
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 1,000,000

For expenses related to offender education, recreation, and/or religious services
From Inmate Canteen Fund (0405) 1,200,000
Total $24,556,561

SECTION 9.090. — To the Department of Corrections
For the Division of Adult Institutions, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $2,962,675
Expense and Equipment 130,943
From General Revenue Fund (0101) (Not to exceed 66.91 F.T.E.) $3,093,618

SECTION 9.095. — To the Department of Corrections
For the Division of Adult Institutions
For inmate wage and discharge costs at all correctional facilities, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $3,259,031
From Inmate Canteen Fund (0405) 800,000
Total $4,059,031

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SECTION 9.100. — To the Department of Corrections
For the Division of Adult Institutions
For the Jefferson City Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $18,242,341
From Working Capital Revolving Fund (0510) 62,804
From Inmate Canteen Fund (0405) 65,190
Total (Not to exceed 528.00 F.T.E.) $18,370,335

SECTION 9.105. — To the Department of Corrections
For the Division of Adult Institutions
For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $14,714,054
From Working Capital Revolving Fund (0510) 31,402
From Inmate Canteen Fund (0405) 66,762
Total (Not to exceed 433.00 F.T.E.) $14,812,218

SECTION 9.110. — To the Department of Corrections
For the Division of Adult Institutions
For the Ozark Correctional Center at Fordland, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $5,913,186
From Inmate Canteen Fund (0405) 71,009
Total (Not to exceed 165.00 F.T.E.) $5,984,195

SECTION 9.115. — To the Department of Corrections
For the Division of Adult Institutions
For the Moberly Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $13,674,940
From Working Capital Revolving Fund (0510) 62,804
From Inmate Canteen Fund (0405) 68,023
Total (Not to exceed 387.00 F.T.E.) $13,805,767

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

For the Algoa Correctional Center at Jefferson City, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $11,374,492
From Inmate Canteen Fund (0405) 64,594
Total (Not to exceed 325.00 F.T.E.) $11,439,086

SECTION 9.125. — To the Department of Corrections
For the Division of Adult Institutions
For the Missouri Eastern Correctional Center at Pacific, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $11,439,885
From Inmate Canteen Fund (0405) 65,144
Total (Not to exceed 329.00 F.T.E.) $11,505,029

SECTION 9.130. — To the Department of Corrections
For the Division of Adult Institutions
For the Chillicothe Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $15,095,948
From Working Capital Revolving Fund (0510) 31,402
From Inmate Canteen Fund (0405) 66,581
Total (Not to exceed 455.02 F.T.E.) $15,193,931

SECTION 9.135. — To the Department of Corrections
For the Division of Adult Institutions
For the Boonville Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $10,611,176
From Inmate Canteen Fund (0405) 66,868
Total (Not to exceed 299.00 F.T.E.) $10,678,044

SECTION 9.140. — To the Department of Corrections
For the Division of Adult Institutions
For the Farmington Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $20,362,712

From Working Capital Revolving Fund (0510)..... 188,412
From Inmate Canteen Fund (0405)..... 70,057
Total (Not to exceed 591.00 F.T.E.) $20,621,181

SECTION 9.145. — To the Department of Corrections
For the Division of Adult Institutions
For the Western Missouri Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $16,565,664
From Inmate Canteen Fund (0405)..... 68,845
Total (Not to exceed 484.00 F.T.E.) $16,634,509

SECTION 9.150. — To the Department of Corrections
For the Division of Adult Institutions
For the Potosi Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $11,773,234
From Working Capital Revolving Fund (0510)..... 31,402
From Inmate Canteen Fund (0405)..... 35,209
Total (Not to exceed 333.00 F.T.E.) $11,839,845

SECTION 9.155. — To the Department of Corrections
For the Division of Adult Institutions
For the Fulton Reception and Diagnostic Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $14,685,407
From Inmate Canteen Fund (0405)..... 65,427
Total (Not to exceed 427.00 F.T.E.) $14,750,834

SECTION 9.160. — To the Department of Corrections
For the Division of Adult Institutions
For the Tipton Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $10,956,356
From Working Capital Revolving Fund (0510)..... 31,402
From Inmate Canteen Fund (0405)..... 68,083
Total (Not to exceed 308.00 F.T.E.) $11,055,841

SECTION 9.165. — To the Department of Corrections
For the Division of Adult Institutions
For the Western Reception, Diagnostic and Correctional Center at St. Joseph, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $17,324,993
From Inmate Canteen Fund (0405) 66,393
Total (Not to exceed 508.00 F.T.E.) $17,391,386

SECTION 9.170. — To the Department of Corrections
For the Division of Adult Institutions
For the Maryville Treatment Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $6,357,872
From Inmate Canteen Fund (0405) 30,654
Total (Not to exceed 177.58 F.T.E.) $6,388,526

SECTION 9.175. — To the Department of Corrections
For the Division of Adult Institutions
For the Crossroads Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) (Not to exceed 9.00 F.T.E.) $318,219

SECTION 9.180. — To the Department of Corrections
For the Division of Adult Institutions
For the Northeast Correctional Center at Bowling Green, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $17,968,289
From Inmate Canteen Fund (0405) 66,070
Total (Not to exceed 528.00 F.T.E.) $18,034,359

SECTION 9.185. — To the Department of Corrections
For the Division of Adult Institutions
For the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $20,505,636

From Working Capital Revolving Fund (0510)..... 31,402
From Inmate Canteen Fund (0405)..... 65,283
Total (Not to exceed 609.00 F.T.E.) $20,602,321

SECTION 9.190. — To the Department of Corrections
For the Division of Adult Institutions
For the South Central Correctional Center at Licking, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $14,078,404
From Working Capital Revolving Fund (0510)..... 62,804
From Inmate Canteen Fund (0405)..... 65,225
Total (Not to exceed 412.00 F.T.E.) $14,206,433

SECTION 9.195. — To the Department of Corrections
For the Division of Adult Institutions
For the Southeast Correctional Center at Charleston, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $13,844,045
From Working Capital Revolving Fund (0510)..... 62,804
From Inmate Canteen Fund (0405)..... 65,019
Total (Not to exceed 408.00 F.T.E.) $13,971,868

SECTION 9.200. — To the Department of Corrections
For the Division of Adult Institutions
For the Kansas City Reentry Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $3,727,692
From Inmate Canteen Fund (0405)..... 34,329
From Inmate Fund (0540)..... 51,814
Total (Not to exceed 109.18 F.T.E.) $3,813,835

SECTION 9.205. — To the Department of Corrections
For the Division of Offender Rehabilitative Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service.....$1,402,365
Expense and Equipment..... 48,062
From General Revenue Fund (0101) (Not to exceed 24.15 F.T.E.) $1,450,427

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 9.210. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For contractual services for offender physical and mental health care, provided ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101) $152,792,694

SECTION 9.215. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For medical equipment, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $299,087

SECTION 9.220. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For substance use and recovery services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $4,000,542
Expense and Equipment 4,631,621
From General Revenue Fund (0101) 8,632,163

Expense and Equipment
From Correctional Substance Abuse Earnings Fund (0853) 140,000
Total (Not to exceed 109.00 F.T.E.) $8,772,163

SECTION 9.225. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For toxicology testing, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Expense and Equipment
From General Revenue Fund (0101) $517,125

SECTION 9.230. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For offender education, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) $5,898,536

Personal Service 2,342,912
Expense and Equipment 1,600,000
From Inmate Canteen Fund (0405) 3,942,912
Total (Not to exceed 210.00 F.T.E.) $9,841,448

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 9.235. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For Missouri Correctional Enterprises, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service $6,601,342
Expense and Equipment 19,300,000

For business consulting fees 400,000
For an enterprise resource planning system 500,000
For costs related to license plate reissuance 1,800,000
From Working Capital Revolving Fund (0510) (Not to exceed 197.88 F.T.E.) $28,601,342

SECTION 9.240. — To the Department of Corrections
For the Division of Probation and Parole, ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $67,366,448
Annual salary Adjustment in accordance with Section 105.005, RSMo 12,610
Expense and Equipment 3,740,757
From General Revenue Fund (0101) 71,119,815

Expense and Equipment
From Inmate Fund (0540) 1,936,924

For transfers and refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 2,600,000
Total (Not to exceed 1,726.31 F.T.E.) $75,656,739

SECTION 9.245. — To the Department of Corrections
For the Division of Probation and Parole
For the Transition Center of St. Louis, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service
From General Revenue Fund (0101) (Not to exceed 126.36 F.T.E.) $4,556,021

SECTION 9.250. — To the Department of Corrections
For the Division of Probation and Parole
For the Command Center, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $638,620
Expense and Equipment 4,900
From General Revenue Fund (0101) (Not to exceed 16.40 F.T.E.) $643,520

SECTION 9.255. — To the Department of Corrections
For the Division of Probation and Parole
For residential treatment facilities
Expense and Equipment
From Inmate Fund (0540) $3,989,458

SECTION 9.260. — To the Department of Corrections
For the Division of Probation and Parole
For electronic monitoring
Expense and Equipment
From Inmate Fund (0540) $1,780,289

SECTION 9.265. — To the Department of Corrections
For the Division of Probation and Parole
For community supervision centers, ten percent (10%) flexibility is allowed between personal service and expense and equipment, fifteen percent (15%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280
Personal Service $4,450,558
Expense and Equipment 425,055
From General Revenue Fund (0101) (Not to exceed 132.42 F.T.E.) $4,875,613

SECTION 9.270. — To the Department of Corrections
For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo, provided ten percent (10%) flexibility is allowed between reimbursements to county jails, certificates of delivery and extradition payments

For Reimbursements to County Jails, provided any funds remaining at the end of Fiscal Year 2020 shall be paid to counties that participate in a pilot program operated by the Office of Administration that monitors individuals subject to pre-conviction or post-conviction supervision, for reimbursements having accrued in prior fiscal years, and further provided that any funds still remaining after the aforementioned distributions shall be paid to all remaining counties for reimbursements having accrued in prior fiscal years $38,530,272
For Certificates of Delivery 1,900,000
For Extradition Payments 1,900,000
For the payment of bill of cost requests received by the department prior to July 1, 2019, provided that payments are prorated based on each county's percent of the total unpaid balance as of July 1, 2019 1,750,676
From General Revenue Fund (0101) $44,080,948

SECTION 9.275. — To the Department of Corrections
For operating department institutional canteens for offender use and benefit. Per Section 217.195, RSMo, fund expenditures are solely to improve offender

recreational, religious, or educational services, and for canteen cash flow and operating expenses
Expense and Equipment
From Inmate Canteen Fund (0405) $33,813,375

SECTION 9.280. — To the Department of Corrections
Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo
From General Revenue Fund (0101) $1

Bill Totals
General Revenue Fund $694,653,958
Federal Funds 4,817,868
Other Funds 81,833,814
Total $781,305,640

Approved June 10, 2019

CCS SS SCS HCS HB 10

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, fund transfer, and program described herein, for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

PART 1

SECTION 10.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall

state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health and the Department of Health and Senior Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 10.005. — To the Department of Mental Health
For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $456,994
Expense and Equipment 9,354
From General Revenue Fund (0101) 466,348

Personal Service 78,175
Expense and Equipment 52,013
From Department of Mental Health Federal Fund (0148) 130,188
Total (Not to exceed 8.09 F.T.E.) $596,536

SECTION 10.006. — To the Department of Mental Health
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $23,474
From Federal and Other Funds (Various) 37,411
Total $60,885

SECTION 10.010. — To the Department of Mental Health
For the Office of the Director
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) $1,129,044

SECTION 10.015. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury to the OA Information Technology - Federal Fund for funding the consolidation of Information Technology Services
From Department of Mental Health Federal Fund (0148) $100,000

SECTION 10.020. — To the Department of Mental Health
For the Office of the Director
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $4,827,583
Expense and Equipment 354,986
From General Revenue Fund (0101) 5,182,569

Personal Service 967,222
Expense and Equipment 820,830
From Department of Mental Health Federal Fund (0148) 1,788,052

For the Missouri Medicaid mental health partnership technology initiative, provided that three percent (3%) flexibility is allowed from this section to Section 10.575 and may be utilized for the payment of the Certified Community Behavioral Health Clinic Prospective Payment System
Personal Service 63,475
Expense and Equipment 390,235
From General Revenue Fund (0101) 453,710

Personal Service 10,795
Expense and Equipment 731,226
From Department of Mental Health Federal Fund (0148) 742,021
Total (Not to exceed 120.55 F.T.E.) $8,166,352

SECTION 10.025. — To the Department of Mental Health
For the Office of the Director
For staff training, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From General Revenue Fund (0101) $357,495

Personal Service 186,649
Expense and Equipment 289,500
From Department of Mental Health Federal Fund (0148) 476,149

Expense and Equipment
From Mental Health Earnings Fund (0288) 175,000

For the Caring for Missourians' Mental Health Initiative, provided that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment
Personal Service 406,000
Expense and Equipment 1,400,000
From Department of Mental Health Federal Fund (0148) 1,806,000
Total $2,814,644

SECTION 10.030. — To the Department of Mental Health
For the Office of the Director
For funding insurance, private pay, licensure fee, and/or Medicaid refunds by state facilities operated by the Department of Mental Health
From General Revenue Fund (0101) $205,000

For refunds
From Department of Mental Health Federal Fund (0148) 250,000
From Mental Health Interagency Payments Fund (0109) 100
From Mental Health Intergovernmental Transfer Fund (0147) 100
From Compulsive Gamblers Fund (0249) 100
From Health Initiatives Fund (0275) 100
From Mental Health Earnings Fund (0288) 50,000
From Inmate Fund (0540) 100
From Mental Health Trust Fund (0926) 25,000
From DMH Local Tax Matching Fund (0930) 150,000
From Habilitation Center Room & Board Fund (0435) 10,000

For the transfer payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 25,000
Total $715,500

SECTION 10.035. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury to the Mental Health Trust Fund
From Abandoned Fund Account (0863) $100,000

SECTION 10.040. — To the Department of Mental Health
For the Office of the Director
For funding receipt and disbursement of donations and gifts which may become available to the Department of Mental Health during the year (excluding federal grants and funds)
Personal Service $465,459
Expense and Equipment 1,925,000
From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.) $2,390,459

SECTION 10.045. — To the Department of Mental Health
For the Office of the Director
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Personal Service $123,056
Expense and Equipment 2,461,728
From Department of Mental Health Federal Fund (0148) (Not to exceed 2.00 F.T.E.) $2,584,784

SECTION 10.050. — To the Department of Mental Health
For the Office of the Director
For housing assistance for homeless veterans, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment
From General Revenue Fund (0101) $255,000
From Department of Mental Health Federal Fund (0148) 1,000,000

For funding Shelter Plus Care grants
Expense and Equipment
From Department of Mental Health Federal Fund (0148) 14,336,746
Total $15,591,746

SECTION 10.055. — To the Department of Mental Health
For Medicaid payments related to intergovernmental payments
From Department of Mental Health Federal Fund (0148) $11,900,000

From Mental Health Intergovernmental Transfer Fund (0147) 6,600,000
Total $18,500,000

SECTION 10.060. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury to the Department of Social Services Intergovernmental Transfer Fund for providing the state match for the Department of Mental Health payments
From General Revenue Fund (0101) $283,849,564

SECTION 10.065. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury to the General Revenue Fund for supporting the Department of Mental Health
From Department of Mental Health Federal Funds (0148) $6,550,000

SECTION 10.070. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury to the General Revenue Fund to provide the state match for the Department of Mental Health payments
From Department of Mental Health Federal Fund (0148) $201,393,308

SECTION 10.075. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury to the General Revenue Fund for Disproportionate Share Hospital funds leveraged by the Department of Mental Health - Institution of Mental Disease facilities
From Department of Mental Health Federal Fund (0148) $50,000,000

SECTION 10.100. — To the Department of Mental Health
For the Division of Behavioral Health
For funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $904,576
Expense and Equipment 20,729
From General Revenue Fund (0101) 925,305

Personal Service 975,588
Expense and Equipment 1,547,439
From Department of Mental Health Federal Fund (0148) 2,523,027

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Personal Service
From Health Initiatives Fund (0275) 49,306
Total (Not to exceed 32.82 F.T.E.) $3,497,638

SECTION 10.105. — To the Department of Mental Health
For the Division of Behavioral Health
For funding prevention and education services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From Department of Mental Health Federal Fund (0148) $11,713,200

Personal Service 34,791
Expense and Equipment 300,000
From General Revenue Fund (0101) 334,791

Personal Service 150,208
Expense and Equipment 192,363
From Department of Mental Health Federal Fund (0148) 342,571

For tobacco retailer education
The Division of Behavioral Health shall be allowed to use persons under the age of eighteen (18) for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant
Expense and Equipment
From Department of Mental Health Federal Fund (0148) 90,194

For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control
Personal Service 338,402
Expense and Equipment 145,613
From Department of Mental Health Federal Fund (0148) 484,015

For Community 2000 Team programs
Expense and Equipment
From General Revenue Fund (0101) 1,110,959
From Department of Mental Health Federal Fund (0148) 2,121,484
From Health Initiatives Fund (0275) 82,148

For school-based alcohol and drug abuse prevention programs
Expense and Equipment
From Department of Mental Health Federal Fund (0148) 1,264,177
Total (Not to exceed 8.84 F.T.E.) $17,543,539

SECTION 10.110. — To the Department of Mental Health
For the Division of Behavioral Health

For funding the treatment of alcohol and drug abuse, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service
From General Revenue Fund (0101) $552,365

Personal Service 236,227
Expense and Equipment 372,725
From Department of Mental Health Federal Fund (0148) 608,952

Personal Service
From Health Initiatives Fund (0275) 44,569

For treatment of alcohol and drug abuse, provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in 10.210, 10.225, and 10.235 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System, and that three percent (3%) flexibility is allowed from this section to Section 10.575
From General Revenue Fund (0101) 45,557,475
From Department of Mental Health Federal Fund (0148) 108,367,666

For treatment of alcohol and drug abuse
From Inmate Fund (0540) 3,513,779
From Health Initiatives Fund (0275) 5,966,747
From DMH Local Tax Matching Fund (0930) 963,775

For funding youth services
From Mental Health Interagency Payments Fund (0109) 10,000

For reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis or Kansas City areas from any of the state correctional facilities. Additionally, remaining funds shall be used to support offenders returning to other regions of the state who are working with available treatment slots from the Department of Mental Health. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
From General Revenue Fund (0101) 1,791,475

For the sole purpose of conducting and evaluating a Pilot Project at Women's Eastern Reception and Diagnostic, Northeast, Chillicothe, and Cremer Therapeutic Community Centers for up to one hundred fifty (150) women and up to forty-five (45) males, with twenty (20) of the individuals selected having a developmental disability. If it is deemed medically appropriate, these

individuals may volunteer to receive FDA approved non-addictive medication assisted treatment for alcohol dependence and prevention of relapse to opioid dependence prior to release, and for up to six (6) months after release. Other medical services, including but not limited to, substance use disorder treatment services, may be provided by the contracted health care vendor to the Missouri Department of Corrections, and upon release, to designated substance use disorder treatment providers in the community, including Saint Louis and Kansas City metropolitan areas, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From General Revenue Fund (0101) 772,669

For Recovery Support Services with the Access to Recovery Program
Expense and Equipment
From General Revenue Fund (0101) 3,670,740

For Peer Recovery Services
Expense and Equipment
From General Revenue Fund (0101) 1,399,877
Total (Not to exceed 15.56 F.T.E.) $173,220,089

SECTION 10.115. — To the Department of Mental Health
For the Division of Behavioral Health
For funding treatment of compulsive gambling
Expense and Equipment
From Compulsive Gamblers Fund (0249) $153,606

SECTION 10.120. — To the Department of Mental Health
For the Division of Behavioral Health
For funding the Substance Abuse Traffic Offender Program
Personal Service $22,357
Expense and Equipment 407,458
From Department of Mental Health Federal Fund (0148) 429,815

Expense and Equipment
From Mental Health Earnings Fund (0288) 6,995,353

Personal Service 164,531
Expense and Equipment 38,802
From Health Initiatives Fund (0275) 203,333
Total (Not to exceed 4.48 F.T.E.) $7,628,501

SECTION 10.200. — To the Department of Mental Health
For the Division of Behavioral Health
For funding administration of comprehensive psychiatric services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $970,387
Expense and Equipment 55,971
From General Revenue Fund (0101) 1,026,358

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Personal Service 652,216
Expense and Equipment 330,566
From Department of Mental Health Federal Fund (0148) 982,782

For suicide prevention initiatives
Personal Service 71,026
Expense and Equipment 1,496,816
From Department of Mental Health Federal Fund (0148) 1,567,842

Expense and Equipment
From Mental Health Earnings Fund (0288) 300,000
Total (Not to exceed 30.60 F.T.E.) $3,876,982

SECTION 10.205. — To the Department of Mental Health
For the Division of Behavioral Health
For funding facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part-time employment, and that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $3,412,770
Expense and Equipment 57,121
From General Revenue Fund (0101) 3,469,891

For funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From General Revenue Fund (0101) 850,752

To pay the state operated hospital provider tax
Expense and Equipment
From General Revenue Fund (0101) 14,500,000

For funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From Department of Mental Health Federal Fund (0148) 4,639,018

Personal Service 166,990
Expense and Equipment 1,271,646
From Mental Health Earnings Fund (0288) 1,438,636

For those Voluntary by Guardian clients transitioning from state psychiatric facilities to the community or to support those clients in facilities waiting to transition to the community, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From General Revenue Fund (0101) 607,373
Total (Not to exceed 81.62 F.T.E.) $25,505,670

SECTION 10.210. — To the Department of Mental Health
For funding adult community programs provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $151,275
Expense and Equipment 848,285
From General Revenue Fund (0101) 999,560

Personal Service 230,504
Expense and Equipment 2,586,975
From Department of Mental Health Federal Fund (0148) 2,817,479

For funding adult community programs, provided that up to ten percent (10%) of this appropriation may be used for services for youth, and further provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in 10.110, 10.225, and 10.235 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System
Expense and Equipment
From General Revenue Fund (0101) 145,864,851

From Department of Mental Health Federal Fund (0148) 355,822,831
From DMH Local Tax Matching Fund (0930) 1,284,357

For the provision of mental health services and support services to other agencies
Expense and Equipment
From Mental Health Interagency Payments Fund (0109) 1,310,572

For funding programs for the homeless mentally ill, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From General Revenue Fund (0101) 569,108
From Department of Mental Health Federal Fund (0148) 964,080

For funding the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service 35,069
Expense and Equipment 103,771
From General Revenue Fund (0101) 138,840

For funding community based services in the St. Louis Eastern Region for Community Access to Care Facilitation
Expense and Equipment
From Department of Mental Health Federal Fund (0148) 2,000,000
Total (Not to exceed 9.31 F.T.E.) $511,771,678

SECTION 10.215. — To the Department of Mental Health
For the Division of Behavioral Health
For reimbursing attorneys, physicians, and counties for fees in involuntary civil commitment procedures, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Expense and Equipment
From General Revenue Fund (0101) $747,441

SECTION 10.220. — To the Department of Mental Health
For the Division of Behavioral Health
For funding forensic support services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $822,753
Expense and Equipment 22,765
From General Revenue Fund (0101) 845,518

Personal Service 4,545
Expense and Equipment 37,235
From Department of Mental Health Federal Fund (0148) 41,780
Total (Not to exceed 16.88 F.T.E.) $887,298

SECTION 10.225. — To the Department of Mental Health
For the Division of Behavioral Health
For funding youth community programs provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $130,127
Expense and Equipment 91,631
From General Revenue Fund (0101) 221,758

Personal Service 358,920
Expense and Equipment 1,170,556
From Department of Mental Health Federal Fund (0148) 1,529,476

For funding youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults, and further provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in 10.110, 10.210, and 10.235 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System
Expense and Equipment
From General Revenue Fund (0101) 41,509,414
From Department of Mental Health Federal Fund (0148) 110,085,339
From DMH Local Tax Matching Fund (0930) 1,257,879

For funding youth services
From Mental Health Interagency Payments Fund (0109) 600,000
Total (Not to exceed 6.29 F.T.E.) $155,203,866

SECTION 10.230. — To the Department of Mental Health
For the Division of Behavioral Health
For the purchase and administration of new medication therapies
Expense and Equipment
From General Revenue Fund (0101) $15,550,649
From Department of Mental Health Federal Fund (0148) 916,243
Total $16,466,892

SECTION 10.235. — To the Department of Mental Health
For the Division of Behavioral Health
For funding a network of mental health providers trained in trauma informed and evidence based mental health treatments for children. The network should be operated by the Department of Mental Health, or under contract with the Department of Mental Health and operated by a private, not-for-profit agency, or a partnership between multiple private, not-for-profit agencies, with a demonstrated commitment and statewide expertise in providing evidence based mental health services to children and education to mental health providers and further provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Sections 10.110, 10.210, and 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System
Expense and Equipment
From General Revenue Fund (0101) $174,641
From Department of Mental Health Federal Fund (0148) 332,859
Total $507,500

SECTION 10.300. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Fulton State Hospital, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided that ten percent (10%) flexibility is allowed between Fulton State Hospital and Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $39,095,150
Expense and Equipment 8,259,001
From General Revenue Fund (0101) 47,354,151

Personal Service 988,596
Expense and Equipment 618,895
From Department of Mental Health Federal Fund (0148) 1,607,491

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 686,161

For funding Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided that ten percent (10%) flexibility is allowed between Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service 10,321,716
Expense and Equipment 2,589,534
From General Revenue Fund (0101) 12,911,250

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 64,416
Total (Not to exceed 1,222.22 F.T.E.) $62,623,469

SECTION 10.305. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Northwest Missouri Psychiatric Rehabilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $11,124,766
Expense and Equipment 2,306,881
From General Revenue Fund (0101) 13,431,647

Personal Service 820,782
Expense and Equipment 105,903
From Department of Mental Health Federal Fund (0148) 926,685

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 173,697
From Department of Mental Health Federal Fund (0148) 11,762
Total (Not to exceed 293.51 F.T.E.) $14,543,791

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 10.310. — To the Department of Mental Health
For the Division of Behavioral Health
For funding St. Louis Psychiatric Rehabilitation Center, provided that ifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $17,755,807
Expense and Equipment 2,872,477
From General Revenue Fund (0101) 20,628,284

Personal Service 450,518
Expense and Equipment 93,210
From Department of Mental Health Federal Fund (0148) 543,728

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 300,528
From Department of Mental Health Federal Fund (0148) 974
Total (Not to exceed 472.14 F.T.E.) $21,473,514

SECTION 10.315. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Southwest Missouri Psychiatric Rehabilitation Center
Personal Service
From Mental Health Earnings Fund (0288) (Not to exceed 2.80 F.T.E.) $337,857

SECTION 10.320. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Metropolitan St. Louis Psychiatric Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $6,952,151
Expense and Equipment 2,565,930
From General Revenue Fund (0101) 9,518,081
Personal Service
From Department of Mental Health Federal Fund (0148) 444,310

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service
From General Revenue Fund (0101) 17,839
From Department of Mental Health Federal Fund (0148) 1,195
Total (Not to exceed 179.50 F.T.E.) $9,981,425

SECTION 10.325. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Southeast Missouri Mental Health Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and provided that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $18,390,932
Expense and Equipment 3,117,233
From General Revenue Fund (0101) 21,508,165

Personal Service 300,712
Expense and Equipment 219,538
From Department of Mental Health Federal Fund (0148) 520,250

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 171,081

For funding Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service 19,014,983
Expense and Equipment 4,402,394
From General Revenue Fund (0101) 23,417,377

Personal Service
From Department of Mental Health Federal Fund (0148) 29,287

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 88,992
Total (Not to exceed 981.92 F.T.E.) $45,735,152

SECTION 10.330. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Center for Behavioral Medicine, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $13,008,923
Expense and Equipment 2,337,434
From General Revenue Fund (0101) 15,346,357

Personal Service 251,970
Expense and Equipment 633,082
From Department of Mental Health Federal Fund (0148) 885,052

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 258,441
Total (Not to exceed 317.05 F.T.E.) $16,489,850

SECTION 10.335. — To the Department of Mental Health
For the Division of Behavioral Health
For funding Hawthorn Children's Psychiatric Hospital, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $6,708,786
Expense and Equipment 985,992
From General Revenue Fund (0101) 7,694,778

Personal Service 1,938,898
Expense and Equipment 197,901
From Department of Mental Health Federal Fund (0148) 2,136,799

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service
From General Revenue Fund (0101) 67,625
From Department of Mental Health Federal Fund (0148) 7,553
Total (Not to exceed 216.80 F.T.E.) $9,906,755

SECTION 10.400. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding division administration, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $1,345,637
Expense and Equipment 56,250
From General Revenue Fund (0101) 1,401,887

Personal Service 324,020
Expense and Equipment 758,877
From Department of Mental Health Federal Fund (0148) 1,082,897
Total (Not to exceed 29.37 F.T.E.) $2,484,784

SECTION 10.405. — To the Department of Mental Health
For the Division of Developmental Disabilities
To pay the state operated Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/ID) provider tax
Expense and Equipment
From General Revenue Fund (0101) $6,000,000

For funding habilitation centers
Expense and Equipment
From Habilitation Center Room and Board Fund (0435) 3,416,027
Total $9,416,027

SECTION 10.410. — To the Department of Mental Health
For the Division of Developmental Disabilities
Provided that residential services for non-Medicaid eligibles shall not be reduced below the prior year expenditures as long as the person is evaluated to need the services
For funding community programs
From General Revenue Fund (0101) $382,237,837
From Department of Mental Health Federal Fund (0148) 779,858,597
From DMH Local Tax Matching Fund (0930) 1,015,000

For community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service 601,711
Expense and Equipment 31,425
From General Revenue Fund (0101) 633,136

Personal Service 991,137
Expense and Equipment 177,376
From Department of Mental Health Federal Fund (0148) 1,168,513

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

For statewide autism outreach, education, and awareness programs for persons with autism and their families
From General Revenue Fund (0101) 5,906,558

For an Autism Center located in a home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants
From General Revenue Fund (0101) 51,511

For funding Autism Outreach Initiatives for Children in Northeast Missouri
From General Revenue Fund (0101) 51,511

For funding Regional Autism projects
From General Revenue Fund (0101) 9,017,135

For services for children who are clients of the Department of Social Services
From Mental Health Interagency Payments Fund (0109) 9,916,325

For funding the Developmental Disability Training Pilot Program in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants and a county with a charter form of government and with more than nine hundred fifty thousand inhabitants
From General Revenue Fund (0101) 304,500

For funding youth services
From Mental Health Interagency Payments Fund (0109) 213,832

For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division
From DMH Local Tax Matching Fund (0930) 10,889,538
Total (Not to exceed 24.59 F.T.E.) $1,201,263,993

SECTION 10.415. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding community support staff, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service
From General Revenue Fund (0101) $2,177,854
From Department of Mental Health Federal Fund (0148) 8,335,675
Total (Not to exceed 237.38 F.T.E.) $10,513,529

SECTION 10.420. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding developmental disabilities services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service $433,711
Expense and Equipment 1,146,512
From Department of Mental Health Federal Fund (0148) (Not to exceed 7.98 F.T.E.) $1,580,223

SECTION 10.425. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury, to the General Revenue Fund as a result of recovering the Intermediate Care Facility Intellectually Disabled (ICF/ID) Reimbursement Allowance Fund

From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901) $2,300,000

Funds are to be transferred out of the State Treasury, to Department of Mental Health Federal Fund

From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901) 3,650,000

Total $5,950,000

SECTION 10.500. — To the Department of Mental Health

For the Division of Developmental Disabilities

For funding the Central Missouri Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $3,370,469

Expense and Equipment 176,937

From General Revenue Fund (0101) 3,547,406

Personal Service 675,859

Expense and Equipment 110,333

From Department of Mental Health Federal Fund (0148) 786,192

Total (Not to exceed 98.70 F.T.E.) $4,333,598

SECTION 10.505. — To the Department of Mental Health

For the Division of Developmental Disabilities

For funding the Kansas City Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $3,068,155

Expense and Equipment 251,551

From General Revenue Fund (0101) 3,319,706

Personal Service 1,264,752

Expense and Equipment 111,314

From Department of Mental Health Federal Fund (0148) 1,376,066

Total (Not to exceed 97.74 F.T.E.) $4,695,772

SECTION 10.510. — To the Department of Mental Health

For the Division of Developmental Disabilities

For funding the Sikeston Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and

equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service	$1,809,262
Expense and Equipment	128,008
From General Revenue Fund (0101)	1,937,270
Personal Service	247,422
Expense and Equipment	27,582
From Department of Mental Health Federal Fund (0148)	275,004
Total (Not to exceed 49.57 F.T.E.)	$2,212,274

SECTION 10.515. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the Springfield Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service	$2,174,539
Expense and Equipment	165,763
From General Revenue Fund (0101)	2,340,302
Personal Service	386,979
Expense and Equipment	41,508
From Department of Mental Health Federal Fund (0148)	428,487
Total (Not to exceed 61.13 F.T.E.)	$2,768,789

SECTION 10.520. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the St. Louis Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service	$4,725,331
Expense and Equipment	359,179
From General Revenue Fund (0101)	5,084,510
Personal Service	1,106,331
Expense and Equipment	235,754
From Department of Mental Health Federal Fund (0148)	1,342,085
Total (Not to exceed 141.00 F.T.E.)	$6,426,595

SECTION 10.525. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the Bellefontaine Habilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and

expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $6,408,907
Expense and Equipment 269,209
From General Revenue Fund (0101) 6,678,116

Personal Service 9,046,868
Expense and Equipment 645,187
From Department of Mental Health Federal Fund (0148) 9,692,055

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 958,079
From Department of Mental Health Federal Fund (0148) 40,507
Total (Not to exceed 444.35 F.T.E.) $17,368,757

SECTION 10.530. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the Higginsville Habilitation Center, provided that thirty percent (30%) may be spent on transitioning clients to the community or to Northwest Community Services, and that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service $3,568,176
Expense and Equipment 59,204
From General Revenue Fund (0101) 3,627,380

Personal Service 6,745,144
Expense and Equipment 366,517
From Department of Mental Health Federal Fund (0148) 7,111,661

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 410,972
From Department of Mental Health Federal Fund (0148) 96,572
Total (Not to exceed 358.43 F.T.E.) $11,246,585

SECTION 10.535. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the Northwest Community Services, provided that thirty percent (30%) may be spent on transitioning clients to the community or to Higginsville Habilitation Center, and that fifteen percent (15%) may be spent on the

Purchase of Community Services, including transitioning clients to other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $5,954,036
Expense and Equipment 436,454
From General Revenue Fund (0101) 6,390,490

Personal Service 12,453,398
Expense and Equipment 562,239
From Department of Mental Health Federal Fund (0148) 13,015,637

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service
From General Revenue Fund (0101) 761,378
Total (Not to exceed 614.66 F.T.E.) $20,167,505

SECTION 10.540. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the Southwest Community, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $2,415,922
Expense and Equipment 74,034
From General Revenue Fund (0101) 2,489,956

Personal Service 5,120,063
Expense and Equipment 359,918
From Department of Mental Health Federal Fund (0148) 5,479,981

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service
From General Revenue Fund (0101) 13,112
From Department of Mental Health Federal Fund (0148) 230,054
Total (Not to exceed 243.96 F.T.E.) $8,213,103

SECTION 10.545. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding the St. Louis Developmental Disabilities Treatment Center, provided that seventy-five percent (75%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-

operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $4,730,676
Expense and Equipment 1,878,188
From General Revenue Fund (0101) 6,608,864

Personal Service 13,044,742
Expense and Equipment 718,656
From Department of Mental Health Federal Fund (0148) 13,763,398
Total (Not to exceed 545.74 F.T.E.) $20,372,262

SECTION 10.550. — To the Department of Mental Health
For the Division of Developmental Disabilities
For funding Southeast Missouri Residential Services, provided that fifty percent (50%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service $2,050,982
Expense and Equipment 45,588
From General Revenue Fund (0101) 2,096,570

Personal Service 5,274,273
Expense and Equipment 633,271
From Department of Mental Health Federal Fund (0148) 5,907,544

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 197,692
From Department of Mental Health Federal Fund (0148) 87,328
Total (Not to exceed 249.19 F.T.E.) $8,289,134

SECTION 10.555. — To the Department of Mental Health
For the Division of Developmental Disabilities
For a comprehensive program located in a city not within a county. The purpose of such program shall be to promote basic scientific research, clinic patient research, and patient care for tuberous sclerosis complex
From General Revenue Fund (0101) $250,000

SECTION 10.575. — To the Department of Mental Health
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 10.600. — To the Department of Health and Senior Services
For the Office of the Director
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Personal Service $234,318
Expense and Equipment 16,705
From General Revenue Fund (0101) 251,023

Personal Service 864,580
Expense and Equipment 65,910
From Department of Health and Senior Services Federal Fund (0143) 930,490
Total (Not to exceed 25.20 F.T.E.) $1,181,513

SECTION 10.605. — To the Department of Health and Senior Services
For the Division of Administration
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service $220,573
Expense and Equipment 58,634
From General Revenue Fund (0101) 279,207

For funding program operations and support
Personal Service 2,555,954
Expense and Equipment 1,654,464
From Department of Health and Senior Services Federal Fund (0143) 4,210,418

Expense and Equipment
From Nursing Facility Quality of Care Fund (0271) 330,000

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

Expense and Equipment
From Mammography Fund (0293) 25,000

Personal Service 137,938
Expense and Equipment 199,525
From Missouri Public Health Services Fund (0298) 337,463

Expense and Equipment
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565) 30,000

Expense and Equipment
From Department of Health and Senior Services Document Services Fund (0646) 44,571

Expense and Equipment
From Department of Health - Donated Fund (0658) 30,000

Expense and Equipment
From Putative Father Registry Fund (0780) 25,000

Expense and Equipment
From Organ Donor Program Fund (0824) 30,000

Expense and Equipment
From Childhood Lead Testing Fund (0899) 5,000
Total (Not to exceed 70.73 F.T.E.) $5,396,659

SECTION 10.606. — To the Department of Health and Senior Services
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $64,390
From Federal and Other Funds (Various) 137,750
Total $202,140

SECTION 10.610. — To the Department of Health and Senior Services
Funds are to be transferred out of the State Treasury, to the Health Access Incentive Fund
From Health Initiatives Fund (0275) $759,624

SECTION 10.615. — To the Department of Health and Senior Services
For the Division of Administration
For funding the payment of refunds set off against debts in accordance with Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $50,000

SECTION 10.620. — To the Department of Health and Senior Services
For the Division of Administration
For refunds
From General Revenue Fund (0101) $50,000
From Department of Health and Senior Services Federal Fund (0143) 100,000

From Nursing Facility Quality of Care Fund (0271) 9,240
From Health Access Incentive Fund (0276) 5,000
From Mammography Fund (0293) 1,000
From Missouri Public Health Services Fund (0298) 40,000
From Endowed Cemetery Audit Fund (0562) 2,899
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565) 2,500
From Department of Health and Senior Services Document Services Fund (0646) 10,000
From Department of Health - Donated Fund (0658) 15,133
From Criminal Record System Fund (0671) 333
From Children's Trust Fund (0694) 13,495

From Brain Injury Fund (0742) 100
From Organ Donor Program Fund (0824) 25
From Childhood Lead Testing Fund (0899) 275
Total $250,000

SECTION 10.625. — To the Department of Health and Senior Services
For the Division of Administration
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Personal Service $105,612
Expense and Equipment 3,000,001
From Department of Health and Senior Services Federal Fund (0143) 3,105,613

Personal Service 105,608
Expense and Equipment 347,596
From Department of Health - Donated Fund (0658) 453,204
Total $3,558,817

SECTION 10.700. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Adolescent Health Program, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Personal Service
From General Revenue Fund (0101) $15,533

Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) 133,521
From Health Initiatives Fund (0275) 1,228

For funding program operations and support, provided that thirty percent (30%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Personal Service 6,707,951
Expense and Equipment 112,287
From General Revenue Fund (0101) 6,820,238

For funding program operations and support, and provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Personal Service 16,243,907
Expense and Equipment 3,937,814
From Department of Health and Senior Services Federal Fund (0143) 20,181,721

Personal Service 1,052,232
Expense and Equipment 553,785
From Health Initiatives Fund (0275) 1,606,017

Personal Service 429,623
Expense and Equipment 68,053
From Missouri Public Health Services Fund (0298) 497,676

Personal Service 78,431
Expense and Equipment 68,048
From Department of Health and Senior Services Document Services Fund (0646) 146,479

Personal Service 73,415
Expense and Equipment 23,785
From Environmental Radiation Monitoring Fund (0656) 97,200

Personal Service 190,773
Expense and Equipment 333,830
From Department of Health - Donated Fund (0658) 524,603

Personal Service 215,110
Expense and Equipment 66,883
From Hazardous Waste Fund (0676) 281,993

Personal Service 82,330
Expense and Equipment 27,748
From Putative Father Registry Fund (0780) 110,078

Personal Service 115,851
Expense and Equipment 131,887
From Organ Donor Program Fund (0824) 247,738

Expense and Equipment
From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924) 47,500
Total (Not to exceed 531.74 F.T.E.) $30,711,525

SECTION 10.705. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For funding core public health functions and related expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Expense and Equipment
From General Revenue Fund (0101) $3,572,692
From Department of Health and Senior Services Federal Fund (0143) 9,900,000
Total $13,472,692

SECTION 10.710. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Adolescent Health Program
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) $2,086,539

For funding the Missouri Donated Dental Services Program
Expense and Equipment
From General Revenue Fund (0101) 90,000

For Brain Injury Waiver
From General Revenue Fund (0101) 266,836
From Department of Health and Senior Services Federal Fund (0143) 500,000

For the SAFE-CARE Program, including implementing a regionalized medical response to child abuse, providing daily review of cases of children less than four (4) years of age under investigation by the Missouri Department of Social Services, Children's Division and to provide medical forensics training to medical providers and multi-disciplinary team members

Expense and Equipment
From General Revenue Fund (0101) 250,000

For funding Epilepsy Education
From General Revenue Fund (0101) 126,000

For the purpose of facilitating the funding for a grant program benefitting victims of amyotrophic lateral sclerosis (ALS) and providing respite care in the eastern half of the state
From General Revenue Fund (0101) 50,000

For funding community health programs and related expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
From General Revenue Fund (0101) 8,404,072
From Department of Health and Senior Services Federal Fund (0143) 83,827,219
From Missouri Public Health Services Fund (0298) 1,649,750
From Brain Injury Fund (0742) 874,900
From C & M Smith Memorial Endowment Trust Fund (0873) 10,000
From Missouri Lead Abatement Loan Fund (0893) 1,000
From Children's Special Health Care Needs Service Fund (0950) 30,000
Total $98,166,316

SECTION 10.715. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For funding the Show-Me Healthy Women's program in Missouri, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Expense and Equipment
From General Revenue Fund (0101) $500,000
From Missouri Public Health Services Fund (0298) 20,000
From Department of Health Donated Fund (0658) 32,548

Personal Service 397,761
Expense and Equipment 1,894,132
From Department of Health and Senior Services Federal Fund (0143) 2,291,893
Total (Not to exceed 8.00 F.T.E.) $2,844,441

SECTION 10.720. — To the Department of Health and Senior Services
For the Division of Community and Public Health

For funding tobacco cessation services
Expense and Equipment
From General Revenue Fund (0101) $50,000
From Department of Health and Senior Services Federal Fund (0143) 50,000
Total $100,000

SECTION 10.725. — To the Department of Health and Senior Services
For the Division of Community and Public Health

For funding family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be paid, granted to, or expended to directly or indirectly fund procedures or administrative functions of an abortion facility or an abortion as defined in Section 188.015, RSMo, or abortion services as defined in Section 170.015, RSMo. Such services shall be available to uninsured women who are at least eighteen (18) to fifty-five (55) years of age with a family Modified Adjusted Gross Income for the household size that does not exceed two hundred and one percent (201%) of the Federal Poverty Level (FPL) and who is a legal resident of the state
From General Revenue Fund (0101) $6,289,091

SECTION 10.730. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Elks Mobile Dental Clinic
Expense and Equipment
From General Revenue Fund (0101) $200,000

SECTION 10.735. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For funding supplemental nutrition programs
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) $194,680,851

SECTION 10.740. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Offices of Rural Health and Primary Care and Women's Health
Personal Service $982,481
Expense and Equipment 360,338
From Department of Health and Senior Services Federal Fund (0143) 1,342,819

Personal Service 100,792
Expense and Equipment 14,851
From Health Initiatives Fund (0275) 115,643

Personal Service 78,306
Expense and Equipment 8,900
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565) 87,206

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For funding other Office of Rural Health and Primary Care programs and related expenses
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) 1,261,607
From Department of Health-Donated Fund (0658) 655,000

For funding contracts for the Sexual Violence Victims Services, Awareness, and Education Program
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) 792,134
Total (Not to exceed 18.20 F.T.E.) $4,254,409

SECTION 10.745. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For funding the Primary Care Resource Initiative Program (PRIMO), Financial Aid to Medical Students, and Loan Repayment Programs
Expense and Equipment
From General Revenue Fund (0101) $500,000
From Department of Health and Senior Services Federal Fund (0143) 425,000
From Health Access Incentive Fund (0276) 650,000
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565) 599,752
From Department of Health - Donated Fund (0658) 956,790
Total $3,131,542

SECTION 10.750. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Minority Health
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Personal Service $198,103
Expense and Equipment 194,240
From General Revenue Fund (0101) 392,343

Personal Service
From Department of Health and Senior Services Federal Fund (0143) 32,962
Total (Not to exceed 4.48 F.T.E.) $425,305

SECTION 10.755. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Emergency Coordination, provided that $1,000,000 be used to assist in maintaining the Poison Control Hotline
From General Revenue Fund (0101) $500,000
From Insurance Dedicated Fund (0566) 500,000

Personal Service 1,806,579
Expense and Equipment and Program Distribution 13,930,305
From Department of Health and Senior Services Federal Fund (0143) 15,736,884
Total (Not to exceed 33.02 F.T.E.) $16,736,884

SECTION 10.760. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the State Public Health Laboratory, including providing newborn screening services on weekends and holidays, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service	$1,882,121
Expense and Equipment	870,290
From General Revenue Fund (0101)	2,752,411
Personal Service	1,028,762
Expense and Equipment	1,797,527
From Department of Health and Senior Services Federal Fund (0143)	2,826,289
Personal Service	1,744,967
Expense and Equipment	5,578,919
From Missouri Public Health Services Fund (0298)	7,323,886
Expense and Equipment	
From Safe Drinking Water Fund (0679)	473,641
Personal Service	18,195
Expense and Equipment	46,368
From Childhood Lead Testing Fund (0899)	64,563
Total (Not to exceed 103.01 F.T.E.)	$13,440,790

SECTION 10.800. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service	$9,416,490
Expense and Equipment	972,465
From General Revenue Fund (0101)	10,388,955
Personal Service	10,811,714
Expense and Equipment	1,174,210
From Department of Health and Senior Services Federal Fund (0143)	11,985,924

For funding the Medicaid Home and Community-Based Services Program reassessments, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service	659,758
Expense and Equipment	850,000
From General Revenue Fund (0101)	1,509,758
Personal Service	659,758
Expense and Equipment	850,000
From Department of Health and Senior Services Federal Fund (0143)	1,509,758
Total (Not to exceed 488.31 F.T.E.)	$25,394,395

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SECTION 10.805. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For funding non Medicaid reimbursable senior and disability programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment
From General Revenue Fund (0101) $405,065
From Department of Health and Senior Services Federal Fund (0143) 167,028
Total $572,093

SECTION 10. 810. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For providing consumer directed personal care assistance services at a rate not to exceed sixty percent (60%) of the average monthly Medicaid cost of nursing facility care
Expense and Equipment
From General Revenue Fund (0101) $170,555,816
From Department of Health and Senior Services Federal Fund (0143) 325,073,077
Total $495,628,893

SECTION 10.815. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, Programs of All-Inclusive Care for the Elderly, other related services, and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs, provided that no payments are made for consumer-directed personal care assistance services, and further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute
Expense and Equipment
From General Revenue Fund (0101) $150,156,579
From Department of Health and Senior Services Federal Fund (0143) 285,925,953
Total $436,082,532

SECTION 10.820. — To the Department of Health and Senior Services
For funding Home and Community Services grants to be distributed to the Area Agency on Aging, provided that ten percent (10%) flexibility is allowed

between these services and meal services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955
From General Revenue Fund (0101) $2,074,704
From Department of Health and Senior Services Federal Fund (0143) 27,544,641

For the Division of Senior and Disability Services
For funding meals to be distributed to each Area Agency on Aging, provided that at least $500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided that ten percent (10%) flexibility is allowed between these services and grant services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Expense and Equipment
From General Revenue Fund (0101) 9,731,016
From Department of Health and Senior Services Federal Fund (0143) 6,955,359
From Elderly Home-Delivered Meals Trust Fund (0296) 62,958

For the Ombudsman Program operated by the Area Agencies on Aging or their service providers
Expense and Equipment
From General Revenue Fund (0101) 150,000
Total $46,518,678

SECTION 10.825. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For funding Alzheimer's program grants to be used by organizations serving individuals with Alzheimer's disease and their caregivers as well as providing statewide respite assistance and support programs to Missouri families to ease burden, enhance quality of life, and reduce the number of persons with Alzheimer's disease who are prematurely or unnecessarily institutionalized, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Expense and Equipment
From General Revenue Fund (0101) $450,000

Caregiver training programs which include in-home visits that delay the institutionalization of persons with dementia
Expense and Equipment
From General Revenue Fund (0101) 100,000
Total $550,000

SECTION 10.830. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For funding Naturally Occurring Retirement Communities provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Expense and Equipment
From General Revenue Fund (0101) $300,000

SECTION 10.835. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not-for-profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare
Expense and Equipment
From General Revenue Fund (0101) $200,000

SECTION 10.900. — To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
Personal Service $8,305,460
Expense and Equipment 790,113
From General Revenue Fund (0101) 9,095,573

Personal Service 12,715,645
Expense and Equipment 2,171,462
From Department of Health and Senior Services Federal Fund (0143) 14,887,107

Personal Service 920,290
Expense and Equipment 222,832
From Nursing Facility Quality of Care Fund (0271) 1,143,122

Personal Service 67,632
Expense and Equipment 13,110
From Mammography Fund (0293) 80,742

For nursing home quality initiatives
Expense and Equipment
From Nursing Facility Reimbursement Allowance Fund (0196) 725,000

For the Time Critical Diagnosis Unit
Personal Service 159,701
Expense and Equipment 8,500
From General Revenue Fund (0101) 168,201

For funding the Bureau of Narcotics and Dangerous Drugs operations and support

Personal Service 288,679
Expense and Equipment 4,620
From General Revenue Fund (0101) 293,299

Personal Service 78,802
Expense and Equipment 10,970
From Health Access Incentive Care Fund (0276) 89,772

For the Bureau of Narcotics and Dangerous Drugs for a Physician Prescription Monitoring Program
Personal Service 269,830
Expense and Equipment 134,257
From General Revenue Fund (0101) 404,087

For funding medical marijuana program operations and support, provided that ten percent (10%) flexibility is allowed between personal services and expense and equipment
Personal Service 4,049,271
Expense and Equipment 9,262,286
From Missouri Veterans Health and Care Fund (0606) 13,311,557

For the Medical Marijuana Opportunities program to provide support to facilitate the inclusion of individuals in Missouri's medical marijuana industry who have been negatively and disproportionately impacted by marijuana criminalization and poverty
Expense and Equipment
From Missouri Veterans Health and Care Fund (0606) $200,000

For expending Civil Monetary Penalty Funding on federally approved nursing facility activities and projects
Expense and Equipment
From Nursing Facility Quality Care Fund (0271) 1,800,000
Total (Not to exceed 520.46 F.T.E.) $42,198,460

SECTION 10.905. — To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For funding activities to improve the quality of childcare, increase the availability of early childhood development programs, before- and after-school care, in-home services for families with newborn children, and for general administration of the program
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) $436,675

SECTION 10.955. — To the Department of Health and Senior Services
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

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PART 2

SECTION 10.1000. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to Sections 10.020, 10.105, 10.110, 10.113, 10.115, 10.210, 10.225, 10.235, 10.810 and 10.815 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health.

SECTION 10.1005. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be expended on any program that performs abortions or that counsels women to have an abortion other than the exceptions required by federal law.

SECTION 10.1010. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

PART 3

SECTION 10.1100. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 and Part 2 of this act:

No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.

Department of Mental Health Totals

General Revenue Fund	$913,192,053
Federal Funds	1,503,219,599
Other Funds	46,739,656
Total	$2,463,151,308

Department of Health and Senior Services Totals

General Revenue Fund	$387,356,890
Federal Funds	1,018,921,163
Other Funds	36,396,649
Total	$1,442,674,702

Approved June 10, 2019

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CCS SCS HCS HB 11

Appropriates money for the expenses, grants, and distributions of the Department of Social Services

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

PART 1

SECTION 11.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 11.005. — To the Department of Social Services

For the Office of the Director, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

Personal Service	$106,041
Annual salary adjustment in accordance with Section 105.005, RSMo	2,306
Expense and Equipment	33,543
From General Revenue Fund (0101)	141,890
Personal Service	149,923
Annual salary adjustment in accordance with Section 105.005, RSMo	.423
Expense and Equipment	1,197
From Department of Social Services Federal Fund (0610)	151,543

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Personal Service 31,452
Annual salary adjustment in accordance with Section 105.005, RSMo 63
From Child Support Enforcement Fund (0169) 31,515
Total (Not to exceed 3.25 F.T.E.) $324,948

SECTION 11.006. — To the Department of Social Services
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $111,431
From Federal and Other Funds (Various) 288,811
Total $400,242

SECTION 11.010. — To the Department of Social Services
For the Office of the Director
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
From Department of Social Services Federal Fund (0610) $4,443,552
From Family Services Donations Fund (0167) 33,999
Total $4,477,551

SECTION 11.015. — To the Department of Social Services
For the Office of the Director
For the Human Resources Center, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $275,184
Expense and Equipment 11,036
From General Revenue Fund (0101) 286,220

Personal Service 207,732
Expense and Equipment 29,749
From Department of Social Services Federal Fund (0610) 237,481
Total (Not to exceed 10.52 F.T.E.) $523,701

SECTION 11.020. — To the Department of Social Services
For the Office of the Director
For the Missouri Medicaid Audit and Compliance Unit, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $1,358,785
Expense and Equipment 335,578
From General Revenue Fund (0101) 1,694,363

Personal Service 1,648,739
Expense and Equipment 860,039
From Department of Social Services Federal Fund (0610) 2,508,778

Expense and Equipment
From Recovery Audit and Compliance Fund (0974) 82,087

Personal Service 94,498
Expense and Equipment 141,886
From Medicaid Provider Enrollment Fund (0990) 236,384
Total (Not to exceed 80.05 F.T.E.) $4,521,612

SECTION 11.025. — To the Department of Social Services
For the Office of the Director
For the Missouri Medicaid Audit and Compliance Unit
For a case management, provider enrollment, and fraud abuse and detection system, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Expense and Equipment
From General Revenue Fund (0101) $917,552
From Department of Social Services Federal Fund (0610) 4,082,448
Total $5,000,000

SECTION 11.030. — To the Department of Social Services
For the Office of the Director
For recovery audit services
Expense and Equipment
From Recovery Audit and Compliance Fund (0974) $1,200,000

SECTION 11.035. — To the Department of Social Services
For the Division of Finance and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $1,866,811
Expense and Equipment 375,468
From General Revenue Fund (0101) 2,242,279

Personal Service 1,109,409
Expense and Equipment 170,113
From Department of Social Services Federal Fund (0610) 1,279,522

Personal Service 4,282
Expense and Equipment 317
From Department of Social Services Administrative Trust Fund (0545) 4,599

Personal Service
From Child Support Enforcement Fund (0169) 49,715

For the centralized inventory system, for reimbursable goods and services provided by the department, and for related equipment replacement and maintenance expenses
From Department of Social Services Administrative Trust Fund (0545) 1,200,000
Total (Not to exceed 65.95 F.T.E.) $4,776,115

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SECTION 11.040. — To the Department of Social Services
For the Division of Finance and Administrative Services
For the payment of fees to contractors who engage in revenue maximization projects on behalf of the Department of Social Services
From Department of Social Services Federal Fund (0610) $3,250,000

SECTION 11.045. — To the Department of Social Services
For the Division of Finance and Administrative Services
For the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient
From Title XIX - Federal Fund (0163) $5,821,789
From Federal and Other Fund (0189) 1,500,000
From Temporary Assistance for Needy Families Federal Fund (0199) 27,000
From Department of Social Services Federal Fund (0610) 5,000,000
From Pharmacy Rebates Fund (0114) 25,000
From Third Party Liability Collections Fund (0120) 369,000
From Premium Fund (0885) 2,827,100
Total $15,569,889

SECTION 11.050. — To the Department of Social Services
For the Division of Finance and Administrative Services
For payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $1,354,000

SECTION 11.055. — To the Department of Social Services
For the Division of Legal Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $1,866,261
Expense and Equipment 49,322
From General Revenue Fund (0101) 1,915,583

Personal Service 3,220,809
Expense and Equipment 390,834
From Department of Social Services Federal Fund (0610) 3,611,643

Personal Service 602,085
Expense and Equipment 90,076
From Third Party Liability Collections Fund (0120) 692,161

Personal Service
From Child Support Enforcement Fund (0169) 169,531
Total (Not to exceed 129.88 F.T.E.) $6,388,918

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SECTION 11.100. — To the Department of Social Services
For the Family Support Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $1,504,569
Expense and Equipment 8,407
From General Revenue Fund (0101) 1,512,976

Personal Service 663,340
Expense and Equipment 1,906,084
From Temporary Assistance for Needy Families Federal Fund (0199) 2,569,424

Personal Service 4,901,959
Expense and Equipment 8,974,775
From Department of Social Services Federal Fund (0610) 13,876,734

Personal Service
From Child Support Enforcement Fund (0169) 573,655
Total (Not to exceed 166.10 F.T.E.) $18,532,789

SECTION 11.105. — To the Department of Social Services
For the Family Support Division
For the income maintenance field staff and operations, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $15,833,501
Expense and Equipment 3,207,874
From General Revenue Fund (0101) 19,041,375

Personal Service 20,509,566
Expense and Equipment 2,654,182
From Temporary Assistance for Needy Families Federal Fund (0199) 23,163,748

Personal Service 33,809,923
Expense and Equipment 8,050,631
From Department of Social Services Federal Fund (0610) 41,860,554

Personal Service 841,582
Expense and Equipment 27,917
From Health Initiatives Fund (0275) 869,499
Total (Not to exceed 2,052.73 F.T.E.) $84,935,176

SECTION 11.110. — To the Department of Social Services
For the Family Support Division
For income maintenance and child support staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Expense and Equipment
From General Revenue Fund (0101) $111,397
From Department of Social Services Federal Fund (0610) 131,270
Total $242,667

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SECTION 11.115. — To the Department of Social Services
For the Family Support Division
For the electronic benefit transfers (EBT) system
Expense and Equipment
From General Revenue Fund (0101) $1,696,622
From Temporary Assistance for Needy Families Federal Fund (0199) 146,888
From Department of Social Services Federal Fund (0610) 1,399,859
Total $3,243,369

SECTION 11.120. — To the Department of Social Services
For the Family Support Division
For the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office
From Family Services Donations Fund (0167) $10,000

SECTION 11.125. — To the Department of Social Services
For the Family Support Division
For contractor, hardware, and other costs associated with planning, development, and implementation of a Family Assistance Management Information System (FAMIS), provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Expense and Equipment
From General Revenue Fund (0101) $575,453
From Temporary Assistance for Needy Families Federal Fund (0199) 1,084,032
From Department of Social Services Federal Fund (0610) 138,339
Total $1,797,824

SECTION 11.130. — To the Department of Social Services
For the Family Support Division
For the planning, design, and purchase of an eligibility and enrollment system, provided the Department of Social Services shall procure a contractor to provide verification of initial and ongoing eligibility data for assistance under the supplemental nutrition assistance program, temporary assistance for needy families, MO HealthNet, child care services, and any other assistance programs as directed by the General Assembly; the contractor shall utilize public records as well as other established, credible data sources to evaluate income, resources, and assets of each applicant on no less than a quarterly basis; the contractor shall also, on a monthly basis, identify participants of covered programs who have died, moved out of state, or been incarcerated longer than 90 days; and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Expense and Equipment
From General Revenue Fund (0101) $7,566,986
From Department of Social Services Federal Fund (0610) 63,459,631
From Health Initiatives Fund (0275) 1,000,000
Total $72,026,617

SECTION 11.135. — To the Department of Social Services
For the Family Support Division
For grants and contracts to Community Partnerships and other community initiatives and related expenses, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.135 and 11.150, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $632,328
From Temporary Assistance for Needy Families Federal Fund (0199) 4,201,624
From Department of Social Services Federal Fund (0610) 3,402,175

For the Missouri Mentoring Partnership
From Temporary Assistance for Needy Families Federal Fund (0199) 508,700
From Department of Social Services Federal Fund (0610) 935,000

For a program for adolescents with the goal of preventing teen pregnancies
From Temporary Assistance for Needy Families Federal Fund (0199) 600,000
Total $10,279,827

SECTION 11.140. — To the Department of Social Services
For the Family Support Division
For the Food Nutrition and Employment Training Programs
From Department of Social Services Federal Fund (0610) $14,343,755

For the Missouri SkillUp Program
From Department of Social Services Federal Fund (0610) 5,500,000

For the purpose of funding the attendance of Supplemental Nutrition Assistance Program recipients at adult high schools as designated by the Department of Elementary and Secondary Education
From Department of Social Services Federal Fund (0610) 2,500,000
Total $22,343,755

SECTION 11.145. — To the Department of Social Services
For the Family Support Division
For the Healthcare Industry Training and Education (HITE) Program, under the provisions of the Health Profession Opportunity Grant (HPOG)
From Department of Social Services Federal Fund (0610) $3,000,000

SECTION 11.150. — To the Department of Social Services
For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.135 and 11.150, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
For the Temporary Assistance for Needy Families (TANF) benefits, Temporary Assistance (TA) Diversion transitional benefits and payments to qualified agencies for TANF or TANF Maintenance of Effort activities, provided that total funding herein is sufficient to fund TANF benefits

From General Revenue Fund (0101) $3,856,800
From Temporary Assistance for Needy Families Federal Fund (0199) 35,162,881

For work assistance programs
From General Revenue Fund (0101) 1,855,554
From Temporary Assistance for Needy Families Federal Fund (0199) 32,894,658

For support to Food Banks' effort to provide services and food to low-income individuals
From Temporary Assistance for Needy Families Federal Fund (0199) 10,000,000

For an evidence-based program through a school-based early warning and response system that improves student attendance, behavior and course performance in reading and math by identifying the root causes for student absenteeism, classroom disruption, and course failure
From Temporary Assistance for Needy Families Federal Fund (0199) 500,000

For the Summer Jobs Program
From Temporary Assistance for Needy Families Federal Fund (0199) 4,000,000

For Jobs for America's Graduates
From Temporary Assistance for Needy Families Federal Fund (0199) 2,000,000

For services that provide assistance and engagement to address critical areas of need for low-income individuals, families, and children located in a city not within a county
From Temporary Assistance for Needy Families Federal Fund (0199) 250,000

For a program located in a city not within a county that helps youth, families, and older adults attain self-sustaining lives by providing innovative social, educational and recreational resources
From Temporary Assistance for Needy Families Federal Fund (0199) 250,000

For at-risk youth for employment and training initiatives and other work programs for urban farming and research, hands on training in fine arts and technological skill training, and employment programming geared toward individuals with barriers to graduation in any home rule city with more than four hundred thousand inhabitants and located in more than one county
From Temporary Assistance for Needy Families Federal Fund (0199) 300,000

For a program located in a city not within a county that assists participants in obtaining post-secondary education and job training and teaching the imperative career-skill and work ethic necessary to become successful employees and that serves economically disadvantaged African American males to find jobs and have the opportunity to earn livable wages
From Temporary Assistance for Needy Families Federal Fund (0199) 500,000

For a program in any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located

in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants to help under-served youth, ages 18-24, to obtain life skills and gainful employment, and to develop ethical young leaders to take responsibility for their families and communities and to change the conditions of poverty through civic engagement
From Temporary Assistance for Needy Families Federal Fund (0199)..... 250,000

For training and supportive services in a welfare to work program in any home rule city with more than four hundred thousand inhabitants and located in more than one county
From Temporary Assistance for Needy Families Federal Fund (0199)..... 200,000

For the purpose of funding the attendance of low-income individuals at adult high schools as designated by the Department of Elementary and Secondary Education
From General Revenue Fund (0101)..... 1,500,000
From Temporary Assistance for Needy Families Federal Fund (0199)..... 4,300,000

For payments to qualified agencies for TANF or TANF maintenance of effort after school and out of school support programs
From Temporary Assistance for Needy Families Federal Fund (0199)..... 3,000,000

For the Foster Care Jobs program
From Temporary Assistance for Needy Families Federal Fund (0199)..... 1,000,000
Total..... $101,819,893

SECTION 11.155. — To the Department of Social Services
For the Family Support Division
For alternatives to abortion services, including the provision of diapers and other infant hygiene products to women who qualify for alternative to abortion services
From General Revenue Fund (0101)..... $2,033,561
From Temporary Assistance for Needy Families Federal Fund (0199)..... 4,300,000
From Department of Social Services Federal Fund (0610)..... 50,000

For the alternatives to abortion public awareness program
From General Revenue Fund (0101)..... 75,000

For a healthy marriage and fatherhood initiative
From Temporary Assistance for Needy Families Federal Fund (0199)..... 2,500,000
Total..... $8,958,561

SECTION 11.160. — To the Department of Social Services
For the Family Support Division
For supplemental payments to aged or disabled persons
From General Revenue Fund (0101)..... $21,025

SECTION 11.165. — To the Department of Social Services
For the Family Support Division

For nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo
From General Revenue Fund (0101) $25,420,885

SECTION 11.170. — To the Department of Social Services
For the Family Support Division
For Blind Pension and supplemental payments to blind persons, provided that the Department of Social Services, whenever it calculates a new estimated rate or rates for the Blind Pension and/or supplemental payments to blind persons for the upcoming fiscal year, shall transmit the new estimated rate or rates, as well as the accompanying assumptions and calculations used to create the new estimated rate or rates, to the following organizations: Missouri Council for the Blind, National Federation of the Blind of Missouri, and the State Rehabilitation Council
From Blind Pension Fund (0621) $37,562,368

For payments to Eligible Members in accordance with the class action settlement agreement entered into by the Department of Social Services in resolution of case number 06AC CC00123-03
From General Revenue Fund (0101) 1,641,849

Funds are to be transferred out of the State Treasury to the Blind Pension Fund for the portion of the Blind Pension settlement amount that is not used to pay class member claims in accordance with the class action settlement agreement entered into by the Department of Social Services in resolution of case number 06AC-CC00123-03
From General Revenue Fund (0101) 9,550,001
Total $48,754,218

SECTION 11.175. — To the Department of Social Services
For the Family Support Division
For community services programs provided by Community Action Agencies or other not-for-profit organizations under the provisions of the Community Services Block Grant
From Department of Social Services Federal Fund (0610) $23,637,000

SECTION 11.180. — To the Department of Social Services
For the Family Support Division
For the Emergency Solutions Grant Program
From Department of Social Services Federal Fund (0610) $4,130,000

SECTION 11.185. — To the Department of Social Services
For the Family Support Division
For the Food Distribution Program and the receipt and disbursement of Donated Food Program payments
From Department of Social Services Federal Fund (0610) $1,500,000

SECTION 11.190. — To the Department of Social Services
For the Family Support Division
For the Low-Income Home Energy Assistance Program
From Department of Social Services Federal Fund (0610) $80,047,867

SECTION 11.195. — To the Department of Social Services
For the Family Support Division
For grants to not-for-profit organizations for services and programs to assist victims of domestic violence, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $5,000,000
From Temporary Assistance for Needy Families Federal Fund (0199) 1,600,000
From Department of Social Services Federal Fund (0610) 3,956,524

For emergency shelter services to assist victims of domestic violence
From Temporary Assistance for Needy Families Federal Fund (0199) 562,137
Total $11,118,661

SECTION 11.200. — To the Department of Social Services
For the Family Support Division
For grants for services and programs to assist victims of crime
Personal Service $415,409
Expense and Equipment 411,964
Program Specific Distribution 44,914,133

For grants to be awarded through a competitive grant process to eligible applicants
Personal Service 100,000
Expense and Equipment 27,476
Program Specific Distribution 17,872,524
From Department of Social Services Federal Fund (0610) (Not to exceed 9.00 F.T.E.) $63,741,506

SECTION 11.205. — To the Department of Social Services
For the Family Support Division
For grants to not-for-profit organizations for services and programs to assist victims of sexual assault, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $750,000
From Department of Social Services Federal Fund (0610) 160,000

For a program located in a city not within a county that provides transitional housing and places women and children coming out of temporary domestic violence shelters into a mid-term housing and life-skills program
From General Revenue Fund (0101) 250,000
Total $1,160,000

SECTION 11.210. — To the Department of Social Services
For the Family Support Division

For the administration of blind services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $839,771
Expense and Equipment 132,737
From General Revenue Fund (0101) 972,508

Personal Service 3,173,809
Expense and Equipment 743,274
From Department of Social Services Federal Fund (0610) 3,917,083
Total (Not to exceed 102.69 F.T.E.) $4,889,591

SECTION 11.215. — To the Department of Social Services
For the Family Support Division
For services for the visually impaired, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $1,483,831
From Department of Social Services Federal Fund (0610) 6,372,075
From Family Services Donations Fund (0167) 99,995
From Blindness Education, Screening and Treatment Program Fund (0892) 349,000
Total $8,304,901

SECTION 11.220. — To the Department of Social Services
For the Family Support Division
For business enterprise programs for the blind
From Department of Social Services Federal Fund (0610) $38,500,000

SECTION 11.225. — To the Department of Social Services
For the Family Support Division
For Child Support Enforcement field staff and operations, provided that no more than ten percent (10%) flexibility is allowed between personal service and expense and equipment within this section to allow staff or contractual services to complete child support interstate collection activities, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $3,180,534
Expense and Equipment 3,867,086
From General Revenue Fund (0101) 7,047,620

Personal Service 16,588,532
Expense and Equipment 7,192,819
From Department of Social Services Federal Fund (0610) 23,781,351

Personal Service 2,269,321
Expense and Equipment 959,784
From Child Support Enforcement Fund (0169) 3,229,105
Total (Not to exceed 651.24 F.T.E.) $34,058,076

SECTION 11.230. — To the Department of Social Services
For the Family Support Division
For reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $2,240,491
From Department of Social Services Federal Fund (0610) 14,886,582
From Child Support Enforcement Fund (0169) 400,212
Total $17,527,285

SECTION 11.235. — To the Department of Social Services
For the Family Support Division
For reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, refunds of bonds, refunds of support payments or overpayments, and distributions to families
From Department of Social Services Federal Fund (0610) $51,500,000
From Debt Offset Escrow Fund (0753) 9,000,000
Total $60,500,000

SECTION 11.240. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the Department of Social Services Federal Fund
From Debt Offset Escrow Fund (0753) $955,000

Funds are to be transferred out of the State Treasury to the Child Support Enforcement Fund
From Debt Offset Escrow Fund (0753) 245,000
Total $1,200,000

SECTION 11.300. — To the Department of Social Services
For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $827,475
Expense and Equipment 41,784
From General Revenue Fund (0101) 869,259

Personal Service 3,412,891
Expense and Equipment 2,661,367
From Department of Social Services Federal Fund (0610) 6,074,258

Expense and Equipment
From Third Party Liability Collections Fund (0120) 50,000
Total (Not to exceed 87.94 F.T.E.) $6,993,517

SECTION 11.305. — To the Department of Social Services
For the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.305 and 11.340, and further

provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

For the Children's Division field staff and operations

Personal Service	$34,020,075
Expense and Equipment	2,375,471
From General Revenue Fund (0101)	36,395,546
Personal Service	47,726,708
Expense and Equipment	4,474,191
From Department of Social Services Federal Fund (0610)	52,200,899
Personal Service	74,996
Expense and Equipment	27,846
From Health Initiatives Fund (0275)	102,842

For recruitment and retention services

From General Revenue Fund (0101)	572,787
From Department of Social Services Federal Fund (0610)	793,132
Total (Not to exceed 1,957.38 F.T.E.)	$90,065,206

SECTION 11.310. — To the Department of Social Services

For the Children's Division

For Children's Division staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

Expense and Equipment

From General Revenue Fund (0101)	$949,616
From Department of Social Services Federal Fund (0610)	477,142
Total	$1,426,758

SECTION 11.315. — To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

For children's treatment services including, but not limited to, home based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services

From General Revenue Fund (0101)	$12,764,673
From Temporary Assistance for Needy Families Federal Fund (0199)	2,573,418
From Department of Social Services Federal Fund (0610)	7,088,175

For crisis care

From General Revenue Fund (0101)	2,050,000
Total	$24,476,266

SECTION 11.320. — To the Department of Social Services

For the Children's Division

For grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division, provided that the Children's

Division shall coordinate the delivery of services with the Parents as Teachers Program within the Department of Elementary and Secondary Education, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

From General Revenue Fund (0101) $4,611,500
From Temporary Assistance for Needy Families Federal Fund (0199)..... 2,827,000
Total..... $7,438,500

SECTION 11.325. — To the Department of Social Services
For the Children's Division
For placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.325, 11.345, and 11.355, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Section 11.675

From General Revenue Fund (0101) $97,707,492
From Department of Social Services Federal Fund (0610)..... 34,829,363
From Temporary Assistance for Needy Families Federal Fund (0199)..... 1,366,385

For the purpose of funding placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri related to the treatment of foster children

From General Revenue (0101)..... 183,385
From Department of Social Services Federal Fund (0610)..... 316,615

For awards to licensed community-based foster care and adoption recruitment programs

From Foster Care and Adoptive Parents Recruitment and Retention Fund (0979)..... 15,000
Total..... $134,418,240

SECTION 11.330. — To the Department of Social Services
For the Children's Division
For contractual payments for expenses related to training of foster parents
From General Revenue Fund (0101) $403,479
From Department of Social Services Federal Fund (0610)..... 172,920
Total..... $576,399

SECTION 11.335. — To the Department of Social Services
For the Children's Division
For costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room and board for current or former foster youth, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

From General Revenue Fund (0101) $188,848
From Temporary Assistance for Needy Families Federal Fund (0199)..... 450,000

From Department of Social Services Federal Fund (0610)..... 1,050,000
Total.....$1,688,848

SECTION 11.340. — To the Department of Social Services
For the Children's Division
For comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo; the purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings; services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.305 and 11.340, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101).....$22,115,385
From Department of Social Services Federal Fund (0610)..... 17,670,948
Total.....$39,786,333

SECTION 11.345. — To the Department of Social Services
For the Children's Division
For Adoption and Guardianship subsidy payments and related services, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.325, 11.345, and 11.355
From General Revenue Fund (0101).....$68,420,461
From Department of Social Services Federal Fund (0610)..... 29,359,230
Total.....$97,779,691

SECTION 11.350. — To the Department of Social Services
For the Children's Division
For family resource centers, provided that not more than fifty percent (50%) flexibility is allowed between this subsection and the extreme recruitment program within this section
From General Revenue Fund (0101).....$875,000
From Department of Social Services Federal Fund (0610)..... 600,000

For extreme recruitment for older youth with significant mental health and behavioral issues, provided that not more than fifty percent (50%) flexibility is allowed between this subsection and adoption resource centers within this section
From General Revenue Fund (0101)..... 875,000
From Department of Social Services Federal Fund (0610)..... 900,000

For the Community Connections for Youth Program for an adoption resource center located in southwest Missouri and one center located in western Missouri to provide advocacy support services for youth between the ages of sixteen and twenty-six to prevent foster care youth from becoming missing, locate missing foster care youth, prevent sex trafficking of foster care youth, and assist youth who have aged out of the foster care system
From Department of Social Services Federal Fund (0610)..... 600,000

For a Family Resource Center in any city of the third classification with more than nineteen thousand but fewer than twenty-one thousand inhabitants and located in any county of the third classification without a township form of government and with more than forty-five thousand but fewer than fifty-two thousand inhabitants
From General Revenue Fund (0101) 75,000

From Department of Social Services Federal Fund (0610) 300,000
Total $4,225,000

SECTION 11.355. — To the Department of Social Services
For the Children's Division
For independent living placements and transitional living services, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.325, 11.345, and 11.355
From General Revenue Fund (0101) $2,097,584
From Department of Social Services Federal Fund (0610) 3,821,203
Total $5,918,787

SECTION 11.360. — To the Department of Social Services
For the Children's Division
For Regional Child Assessment Centers, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $1,649,475
From Department of Social Services Federal Fund (0610) 800,000
From Health Initiatives Fund (0275) 501,048
Total $2,950,523

SECTION 11.365. — To the Department of Social Services
For the Children's Division
For residential placement payments to counties for children in the custody of juvenile courts
From Department of Social Services Federal Fund (0610) $400,000

SECTION 11.370. — To the Department of Social Services
For the Children's Division
For CASA IV-E allowable training costs
From Department of Social Services Federal Fund (0610) $200,000

SECTION 11.375. — To the Department of Social Services
For the Children's Division
For the Child Abuse and Neglect Prevention Grant and Children's Justice Act Grant
From Department of Social Services Federal Fund (0610) $1,770,382

SECTION 11.380. — To the Department of Social Services
For the Children's Division

For transactions involving personal funds of children in the custody of the Children's Division
From Alternative Care Trust Fund (0905) $13,000,000

SECTION 11.385. — To the Department of Social Services
For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

For child care services, the general administration of the programs, including development and implementation of automated systems to enhance time, attendance reporting, contract compliance and payment accuracy, and to support the Educare Program; provided that the income thresholds for childcare subsidies shall be a full benefit for individuals with an income which is less than or equal to 138 percent of the federal poverty level; a benefit of 75 percent for individuals with an income which is less than or equal to 165 percent of the federal poverty level but greater than 138 percent of the federal poverty level; a benefit of 50 percent for individuals with an income which is less than or equal to 190 percent of the federal poverty level but greater than 165 percent of federal poverty level; a benefit of 25 percent for individuals with an income which is less than or equal to 215 percent of the federal poverty level but greater than 190 percent of federal poverty level, and further provided that all funds available for disproportionate share rate increases shall go only to licensed or religiously exempt in compliance providers who are accredited or making progress toward accreditation, and further provided that the Children's Division may provide one-time funding to providers, not to exceed $5,000 per provider, to assist providers who otherwise meet the department's qualifications, to meet requirements for accreditation
From General Revenue Fund (0101) $33,488,588
From Department of Social Services Federal Fund (0610) 141,352,785
From Temporary Assistance for Needy Families Fund (0199) 29,857,515
From Early Childhood Development, Education and Care Fund (0859) 7,574,500

Personal Service
From General Revenue Fund (0101) 15,465
From Department of Social Services Federal Fund (0610) 498,758

For early childhood development, education, and care programs for low-income families
From General Revenue Fund (0101) 3,500,000
Total (Not to exceed 12.00 F.T.E.) $216,287,611

SECTION 11.400. — To the Department of Social Services
For the Division of Youth Services
For the Central Office and regional offices, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $1,250,675
Expense and Equipment 80,694
From General Revenue Fund (0101) 1,331,369

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Personal Service 526,060
Expense and Equipment 100,340
From Department of Social Services Federal Fund (0610) 626,400

Expense and Equipment
From Youth Services Treatment Fund (0843) 999
Total (Not to exceed 39.30 F.T.E.) $1,958,768

SECTION 11.405. — To the Department of Social Services
For the Division of Youth Services
For treatment services, including foster care and contractual payments, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $18,433,896
Expense and Equipment 763,949
From General Revenue Fund (0101) 19,197,845

Personal Service 19,012,773
Expense and Equipment 6,128,698
From Department of Social Services Federal Fund (0610) 25,141,471

Personal Service 3,346,034
Expense and Equipment 3,852,302
From DOSS Educational Improvement Fund (0620) 7,198,336

Personal Service 142,803
Expense and Equipment 9,106
From Health Initiatives Fund (0275) 151,909

Expense and Equipment
From Youth Services Products Fund (0764) 5,000

For overtime to non-exempt state employees and/or for paying otherwise authorized personal service expenditures in lieu of such overtime payments; non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees
From General Revenue Fund (0101) 913,173

For payment distribution of Social Security benefits received on behalf of youth in care
From Division of Youth Services Child Benefits Fund (0727) 200,000
Total (Not to exceed 1,132.38 F.T.E.) $52,807,734

SECTION 11.410. — To the Department of Social Services
For the Division of Youth Services
For incentive payments to counties for community-based treatment programs for youth, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

From General Revenue Fund (0101) $3,479,486
From Gaming Commission Fund (0286) 500,000
Total $3,979,486

SECTION 11.600. — To the Department of Social Services
For the MO HealthNet Division
For administrative services, provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.660, 11.675, 11.690, and 11.695, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Personal Service $3,192,786
Expense and Equipment 8,851,433
From General Revenue Fund (0101) 12,044,219

Personal Service 6,190,001
Expense and Equipment 15,486,410
From Department of Social Services Federal Fund (0610) 21,676,411

Personal Service 432,580
Expense and Equipment 55,553
From Pharmacy Rebates Fund (0114) 488,133

Personal Service 102,718
Expense and Equipment 232,708
From Federal Reimbursement Allowance Fund (0142) 335,426

Personal Service 27,358
Expense and Equipment 356
From Pharmacy Reimbursement Allowance Fund (0144) 27,714

Personal Service 447,679
Expense and Equipment 41,385
From Health Initiatives Fund (0275) 489,064

Personal Service 89,188
Expense and Equipment 10,281
From Nursing Facility Quality of Care Fund (0271) 99,469

Personal Service 416,443
Expense and Equipment 488,041
From Third Party Liability Collections Fund (0120) 904,484

Expense and Equipment
From Life Sciences Research Trust Fund (0763) 3,000

Personal Service
From Missouri Rx Plan Fund (0779) 367,071

Personal Service 19,083
Expense and Equipment 3,466
From Ambulance Service Reimbursement Allowance Fund (0958) 22,549

Personal Service 46,200
Expense and Equipment 425,372
From Ground Emergency Medical Transportation Fund (0422) 471,572
Total (Not to exceed 238.70 F.T.E.) $36,929,112

SECTION 11.605. — To the Department of Social Services
For the MO HealthNet Division
For clinical services management related to the administration of the MO HealthNet Pharmacy fee-for-service and managed care programs and administration of the Missouri Rx Plan, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Expense and Equipment
From General Revenue Fund (0101) $461,917
From Department of Social Services Federal Fund (0610) 12,214,032
From Third Party Liability Collections Fund (0120) 924,911
From Missouri Rx Plan Fund (0779) 62,947
From Pharmacy Rebates Fund (0114) 1,497,648
Total $15,161,455

SECTION 11.606. — To the Department of Social Services
For the MO HealthNet Division
For MO HealthNet Transformation initiatives
Personal Service $240,000
Expense and Equipment 6,135,570
From General Revenue Fund (0101) 6,375,570

Personal Service 240,000
Expense and Equipment 27,384,430
From Department of Social Services Federal Fund (0610) 27,624,430
Total (Not to exceed 6.00 F.T.E.) $34,000,000

SECTION 11.610. — To the Department of Social Services
For the MO HealthNet Division
For fees associated with third-party collections and other revenue maximization cost avoidance fees
Expense and Equipment

From Department of Social Services Federal Fund (0610) $4,250,000
From Third Party Liability Collections Fund (0120) 4,250,000
Total $8,500,000

SECTION 11.615. — To the Department of Social Services
For the MO HealthNet Division

For the operation of the information systems, provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.660, 11.675, 11.690, and 11.695, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

From General Revenue Fund (0101) $27,442,320
From Department of Social Services Federal Fund (0610) 75,876,001
From Health Initiatives Fund (0275) 1,591,687
From Uncompensated Care Fund (0108) 430,000
Total $105,340,008

SECTION 11.620. — To the Department of Social Services
For the MO HealthNet Division
For Healthcare Technology Incentives and administration
From Federal Stimulus Social Services Fund (2292) $28,000,000

SECTION 11.621. — To the Department of Social Services
For the MO HealthNet Division
For reimbursement of the allowable costs of health information technology investments of hospitals and their affiliated information networks or health information technology providers that have been authorized under a CMS-approved implementation advance planning document amendment submitted by MO HealthNet Division

From Federal Reimbursement Allowance Fund (0142) $1,000,000
From Title XIX - Federal Fund (0163) 9,000,000
Total $10,000,000

SECTION 11.622. — To the Department of Social Services
For the MO HealthNet Division
For expenditures related to connecting eligible medicaid providers under the Medicaid Electronic Health Record (EHR) Incentive Program to other MO HealthNet providers through a health information exchange (HIE) or other interoperable system or the costs of other activities that promote providers' use of EHR or HIE, except that no single vendor can be awarded an exclusive contract to provide said services

From General Revenue Fund (0101) $1,000,000
From Title XIX - Federal Fund (0163) 9,000,000
Total $10,000,000

SECTION 11.625. — To the Department of Social Services
For the MO HealthNet Division
For the Money Follows the Person Program
From Department of Social Services Federal Fund (0610) $532,549

SECTION 11.630. — To the Department of Social Services
For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

For pharmaceutical payments under the MO HealthNet fee-for-service program, professional fees for pharmacists, and for a comprehensive chronic care risk management program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.615

From General Revenue Fund (0101) $132,407,817
From Title XIX - Federal Fund (0163) 792,892,055
From Life Sciences Research Trust Fund (0763) 5,576,108
From Pharmacy Rebates Fund (0114) 236,745,912
From Third Party Liability Collections Fund (0120) 4,217,574
From Pharmacy Reimbursement Allowance Fund (0144) 24,584,238
From Health Initiatives Fund (0275) 3,543,350
From Premium Fund (0885) 3,800,000

For Medicare Part D Clawback payments, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.615

From General Revenue Fund (0101) 230,978,651
Total $1,434,745,705

SECTION 11.635. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo
From General Revenue Fund (0101) $3,039,439
From Missouri Rx Plan Fund (0779) 2,788,774
Total $5,828,213

SECTION 11.640. — To the Department of Social Services
For the MO HealthNet Division
For Pharmacy Reimbursement Allowance payments as provided by law
From Pharmacy Reimbursement Allowance Fund (0144) $108,308,926

SECTION 11.645. — To the Department of Social Services
For the MO HealthNet Division

For physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, services provided by chiropractic physicians, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, Major Medical Prior Authorization, and the

program of All-Inclusive Care for the Elderly, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.615

From General Revenue Fund (0101) $142,500,334
From Title XIX - Federal Fund (0163) 339,346,872
From Pharmacy Reimbursement Allowance Fund (0144) 10,000
From Health Initiatives Fund (0275) 1,427,081
From Healthy Families Trust Fund (0625) 2,159,006
From Third Party Liability Collections Fund (0120) 241,046

For a pilot program that focuses on providing clinical and case management support for pregnant women who are opioid addicted or display key risk factors which indicate a likelihood for addiction; the primary objective of such program(s) shall be avoiding births requiring extraordinary care due to Neonatal Abstinence Syndrome; the secondary objective is the treatment of the mother for substance use

From General Revenue Fund (0101) 481,421
From Title XIX - Federal Fund (0163) 917,572

For a supplemental case management fee to support evidence-based, limited duration mental health treatments to children who have experienced severe physical, sexual, or emotional trauma as a result of abuse or neglect, provided that providers of these evidence-based services document appropriate training or certification in these models

From General Revenue Fund (0101) 430,150
From Title XIX - Federal Fund (0163) 819,850
Total $488,333,332

SECTION 11.650. — To the Department of Social Services
For the MO HealthNet Division
For dental services under the MO HealthNet fee-for-service program, including adult dental procedure codes (Tier 1-6), provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740

From General Revenue Fund (0101) $1,862,472
From Title XIX - Federal Fund (0163) 3,694,143
From Health Initiatives Fund (0275) 71,162
Total $5,627,777

SECTION 11.655. — To the Department of Social Services
For the MO HealthNet Division
For payments to third-party insurers, employers, or policyholders for health insurance, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655,

11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

From General Revenue Fund (0101) $87,234,646
From Title XIX - Federal Fund (0163) 176,554,273
Total $263,788,919

SECTION 11.660. — To the Department of Social Services
For the MO HealthNet Division
For funding long-term care services
For care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.615

From General Revenue Fund (0101) $155,041,281
From Title XIX - Federal Fund (0163) 420,275,165
From Uncompensated Care Fund (0108) 58,516,478
From Third Party Liability Collections Fund (0120) 6,992,981

For home health for the elderly under the MO HealthNet fee-for-service program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.615

From General Revenue Fund (0101) 1,694,494
From Title XIX - Federal Fund (0163) 3,504,248
From Health Initiatives Fund (0275) 159,305
Total $646,183,952

SECTION 11.665. — To the Department of Social Services
For the MO HealthNet Division
For Nursing Facility Reimbursement Allowance payments as provided by law
From Nursing Facility Reimbursement Allowance Fund (0196) $351,448,765

SECTION 11.670. — To the Department of Social Services
For the MO HealthNet Division
For publicly funded long-term care services and support contracts and supplemental payments for care in nursing facilities under the nursing facility upper payment limit

From Title XIX - Federal Fund (0163) $7,182,390
From Long Term Support UPL Fund (0724) 3,768,378
Total $10,950,768

SECTION 11.675. — To the Department of Social Services

For the MO HealthNet Division

For all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.615, and further provided that not more than twenty percent (20%) flexibility is allowed from this subsection to any other subsection in this section for payments for on-site treatment services provided by advanced practice paramedics, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Section 11.325

From General Revenue Fund (0101) $95,923,372
From Title XIX - Federal Fund (0163) 195,022,033
From Nursing Facility Reimbursement Allowance Fund (0196) 1,414,043
From Health Initiatives Fund (0275) 194,881
From Ambulance Service Reimbursement Allowance Fund (0958) 24,280,074

For non-emergency medical transportation, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.615

From General Revenue Fund (0101) 14,047,772
From Title XIX - Federal Fund (0163) 26,775,827

For the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities

From Title XIX - Federal Fund (0163) 6,460,100

For the adoption of a new CPT code for, and making payment under said code to, emergency service providers who provide on-site treatment to MO HealthNet recipients who would otherwise be transported to an emergency department via ambulance service, but such service is rendered unnecessary by virtue of on-site service and such payment shall be less than would otherwise be provided had the patient been transported to the emergency department, provided that the department shall request any state plan amendment, waiver, or regulation necessary to implement the new code, and further provided that any payments under said state plan amendment, waiver, or regulation shall be budget neutral to overall state and federal spending

From General Revenue Fund (0101) 481,393
From Title XIX - Federal Fund (0163) 917,600
Total $365,517,095

SECTION 11.680. — To the Department of Social Services
For the MO HealthNet Division
For payments to providers of ground emergency medical transportation and related audit contracts
From Ground Emergency Medical Transportation Fund (0422) $28,892,400
From Title XIX - Federal Fund (0163) 55,067,846
Total $83,960,246

SECTION 11.685. — To the Department of Social Services
For the MO HealthNet Division
For complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $3,948,793
From Title XIX - Federal Fund (0163) 7,530,620
Total $11,479,413

SECTION 11.690. — To the Department of Social Services
For the MO HealthNet Division
For payment to comprehensive prepaid health care plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, section 4744) and by Section 208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than

one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.615

From General Revenue Fund (0101) $405,996,730
From Title XIX - Federal Fund (0163) 1,283,549,918
From CHIP Increased Enhancement Fund (0492) 18,750,000
From Uncompensated Care Fund (0108) 33,848,436
From Health Initiatives Fund (0275) 18,590,380
From Federal Reimbursement Allowance Fund (0142) 135,309,879
From Healthy Families Trust Fund (0625) 22,883,390
From Life Sciences Research Trust Fund (0763) 27,790,024
From Premium Fund (0885) 9,259,854
From Ambulance Service Reimbursement Allowance Fund (0958) 1,702,257

For supplemental Medicare parity payments to primary care physicians relating to maternal-fetal medicine, neonatology, and pediatric cardiology

From General Revenue Fund (0101) 1,022,295
From Title XIX - Federal Fund (0163) 1,915,590

For a pilot program to seek a waiver or state plan amendment to provide postpartum care for up to twelve (12) months under the MO HealthNet managed care program, as well as the MO HealthNet Pharmacy fee-for-service program, to women with substance use disorder, provided the cost of the program funded by state match shall not exceed $750,000, and further provided that this program shall be budget neutral to overall state and federal spending

From General Revenue Fund (0101) 387,931
From Title XIX - Federal Fund (0163) 921,754
From Federal Reimbursement Allowance Fund (0142) 95,664

For supplemental payments to Tier 1 Safety Net Hospitals, or to any affiliated physician group that provides physicians for any Tier 1 Safety Net Hospital, for physician and other healthcare professional services as approved by the Centers for Medicare and Medicaid Services

From Title XIX - Federal Fund (0163) 17,757,013
From Department of Social Services Intergovernmental Transfer Fund (0139) 9,316,558
Total $1,989,097,673

SECTION 11.695. — To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.615, and further provided that not more than twenty percent (20%) flexibility is allowed from this section to any subsection in Section

11.675 for payments for on-site treatment services provided by advanced practice paramedics
From General Revenue Fund (0101) $34,266,398
From Title XIX - Federal Fund (0163) 359,597,681

From Federal Reimbursement Allowance Fund (0142) 145,827,788
From Pharmacy Reimbursement Allowance Fund (0144) 15,709

For Safety Net Payments
From Healthy Families Trust Fund (0625) 30,365,444

For Graduate Medical Education
From Healthy Families Trust Fund (0625) 10,000,000

For the Remote Patient Monitoring program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor; the purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting
From General Revenue Fund (0101) 200,000
From Title XIX - Federal Fund (0163) 400,000
From Federal Reimbursement Allowance Fund (0142) 200,000

For the Rx Reminder program, facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition
From General Revenue Fund (0101) 200,000
From Title XIX - Federal Fund (0163) 415,000
From Federal Reimbursement Allowance Fund (0142) 215,000
Total $581,703,020

SECTION 11.700. — To the Department of Social Services
For the MO HealthNet Division
For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments
From Title XIX - Federal Fund (0163) $15,722,792

SECTION 11.705. — To the Department of Social Services
For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800

For grants to Federally Qualified Health Centers
From General Revenue Fund (0101) $317,172

For a community health worker initiative that focuses on providing casework services to high utilizers of MO HealthNet services
From General Revenue Fund (0101) 1,500,000
From Title XIX - Federal Fund (0163) 1,500,000

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

For women and minority health care outreach programs, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
Expense and Equipment
From General Revenue Fund (0101) 529,796
From Department of Social Services Federal Fund (0610) 568,625
Total $4,415,593

SECTION 11.706. — To the Department of Social Services
For the MO HealthNet Division
For payments to technical assistance contractors under Section 330(l) or 330(m) of the Public Health Services Act to assist Federally Qualified Health Centers (FQHCs) with outreach and engagement of Medicaid beneficiaries assigned to FQHCs, for addressing gaps in preventive services and management of chronic conditions, and for incentive payments, provided that 100% flexibility is allowed to Section 11.690 for payments to managed care organizations for technical assistance contractors
From General Revenue Fund (0101) $1,921,900
From Title XIX - Federal Fund (0163) 3,663,395
Total $5,585,295

SECTION 11.710. — To the Department of Social Services
For the MO HealthNet Division
For health homes, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740
From General Revenue Fund (0101) $4,867,731
From Title XIX - Federal Fund (0163) 13,548,938
From Federal Reimbursement Allowance Fund (0142) 2,285,434
Total $20,702,103

SECTION 11.715. — To the Department of Social Services
For the MO HealthNet Division
For payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of Disproportionate Share Hospital payments as required by the Centers for Medicare and Medicaid Services, for the expenses of the Poison Control Center in order to provide services to all hospitals within the state, and for the Gateway to Better Health 1115 Demonstration
For a continuation of the services provided through Medicaid Emergency Psychiatric Demonstration as required by Section 208.152(16), RSMo
From Federal Reimbursement Allowance Fund (0142) $1,280,593,734

SECTION 11.720. — To the Department of Social Services
For the MO HealthNet Division
For payments to the Tier 1 Safety Net Hospitals and other public hospitals using intergovernmental transfers

From Title XIX - Federal Fund (0163) $25,015,818
From Department of Social Services Intergovernmental Transfer Fund (0139) 13,125,028
Total $38,140,846

SECTION 11.725. — To the Department of Social Services
For the MO HealthNet Division
For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740
From General Revenue Fund (0101) $14,220,493
From Title XIX - Federal Fund (0163) 69,771,887
From Federal Reimbursement Allowance Fund (0142) 7,719,204
Total $91,711,584

SECTION 11.730. — To the Department of Social Services
For the MO HealthNet Division
For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $7,886,217
From Title XIX - Federal Fund (0163) 24,688,924
From Department of Social Services Federal Fund (0610) 20,000
Total $32,595,141

SECTION 11.735. — To the Department of Social Services
For the MO HealthNet Division
For MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service program

From General Revenue Fund (0101) $242,525
From Title XIX - Federal Fund (0163) 41,653,770
Total $41,896,295

SECTION 11.740. — To the Department of Social Services
For the MO HealthNet Division
For medical benefits for blind individuals ineligible for MO HealthNet coverage who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than or equal to 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than or equal to 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.630, 11.645, 11.650, 11.655, 11.660, 11.675, 11.685, 11.690, 11.695, 11.710, 11.725, 11.730, and 11.740, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.800
From General Revenue Fund (0101) $22,815,549

SECTION 11.743. — To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the CHIP Increased Enhancement Fund, to the General Revenue Fund
From CHIP Increased Enhancement Fund (0163) $46,666,463

SECTION 11.745. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the General Revenue Fund for the purpose of providing the state match for Medicaid payments
From Department of Social Services Intergovernmental Transfer Fund (0139) $137,074,165

SECTION 11.750. — To the Department of Social Services
For the MO HealthNet Division
For payments to the Department of Mental Health
From Title XIX - Federal Fund (0163) $500,077,646
From Department of Social Services Intergovernmental Transfer Fund (0139) 203,482,221
Total $703,559,867

SECTION 11.755. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the Pharmacy Reimbursement Allowance Fund
From General Revenue Fund (0101) $38,737,111

SECTION 11.760. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Pharmacy Reimbursement Allowance Fund (0144) $38,737,111

SECTION 11.765. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the Ambulance Service Reimbursement Allowance Fund
From General Revenue Fund (0101) $20,837,332

SECTION 11.770. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Ambulance Service Reimbursement Allowance Fund (0958) $20,837,332

SECTION 11.775. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the Federal Reimbursement Allowance Fund
From General Revenue Fund (0101) $653,701,378

SECTION 11.780. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Federal Reimbursement Allowance Fund (0142) $653,701,378

SECTION 11.785. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the Nursing Facility Reimbursement Allowance Fund
From General Revenue Fund (0101) $210,950,510

SECTION 11.790. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Nursing Facility Reimbursement Allowance Fund (0196) $210,950,510

SECTION 11.795. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the Nursing Facility Quality of Care Fund
From Nursing Facility Reimbursement Allowance Fund (0196) $1,500,000

SECTION 11.800. — To the Department of Social Services
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

PART 2

SECTION 11.900. — To the Department of Social Services
In reference to Sections 11.315, 11.325, 11.340, 11.345 and 11.405 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for providers of children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: $119.67 daily for children's basic residential treatment services, $113.67 daily for children's infant, toddler, or preschool residential treatment services, $133.04 daily for children's level 2 residential treatment services, $133.33 daily for children's level 3 residential treatment services, $175.26 daily for children's level 4 residential treatment services, and 1.5% above the rate in effect on January 1, 2019, for all other services

SECTION 11.905. — To the Department of Social Services

In reference to Sections 11.645, 11.650, 11.685, and 11.710 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health

SECTION 11.910. — To the Department of Social Services

In reference to Section 11.660 of Part 1 of this act:

No funds shall be expended in furtherance of nursing facility provider rates greater than $2.03 per bed day above the rate in effect on January 1, 2019. If the effective date of the rate increase is after July 1, 2019, any nursing facility provider rate increase shall be prorated over the remaining portion of the fiscal year, but in no event shall the total amount resulting from all provider rate increases to any provider be greater than the amount that would result from implementing a $2.03 per bed day increase, on July 1, 2019, over the rate in effect on January 1, 2019, to said provider. No funds shall be expended in furtherance of home health provider rates greater than 1.5% above the rate in effect on January 1, 2019

SECTION 11.915. — To the Department of Social Services

In reference to Section 11.675 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for providers of non-emergency medical transportation for MO HealthNet, for whom no funds shall be expended in furtherance of provider rates greater than 5.4% above the rate in effect on January 1, 2019; and further excepting providers of non-emergency medical transportation for the Department of Mental Health for whom no funds shall be expended in furtherance of provider rates greater than 2.3% above the rate in effect on January 1, 2019, and further excepting providers of hospice care, for whom no funds shall be expended in furtherance of room and board rates greater than $1.93 above the rate in effect on January 1, 2019 and for whom no funds shall be expended in furtherance of provider rates for routine home care, continuous home care, inpatient respite care, service intensity add-on care, and inpatient care greater

than 2.11% above the rate in effect on January 1, 2019, and further excepting providers of children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: $133.04 daily for children's level 2 residential treatment services, $133.33 daily for children's level 3 residential treatment services, $175.26 daily for children's level 4 residential treatment services, and 1.5% above the rate in effect on January 1, 2019, for all other services.

SECTION 11.920. — To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended on any program that performs abortions or that counsels women to have an abortion other than the exceptions required by federal law

SECTION 11.925. — To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

PART 3

SECTION 11.930. — To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital

Bill Totals

General Revenue Fund	$1,832,000,795
Federal Funds	5,091,333,962
Other Funds	2,698,597,732
Total	$9,621,932,489

Approved June 10, 2019

CCS SCS HCS HB 12

Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly

AN ACT to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the

several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 12.005. — To the Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) $2,645,671
From Vocational Rehabilitation Fund (0104) 1,632
From DOLIR Administrative Fund (0122) 52,640
From Department of Mental Health Federal Fund (0148) 3,523
From Elevator Safety Fund (0257) 1,003
From Division of Tourism Supplemental Revenue Fund (0274) 25,070
From Gaming Commission Fund (0286) 6,751
From Veterans Commission Capital Improvement Trust Fund (0304) 6,751
From DNR Cost Allocation Fund (0500) 42,061
From State Facilities Maintenance and Operation Fund (0501) 18,338
From DIFP Administrative Fund (0503) 14,298
From Office of Administration Revolving Administrative Trust Fund (0505) 442
From Department of Economic Development Administrative Fund (0547) 31,063
From Division of Credit Unions Fund (0548) 1,547
From Division of Finance Fund (0550) 6,824
From Deaf Relay Service and Equipment Distribution Program Fund (0559) 882
From Insurance Dedicated Fund (0566) 11,516
From Chemical Emergency Preparedness Fund (0587) 645
From Professional Registration Fees Fund (0689) 39,565
From Boiler and Pressure Vessels Safety Fund (0744) 645
From Missouri Explosives Safety Act Administration Fund (0804) 285
From Guaranty Agency Operating Fund (0880) 1,529
From Agriculture Protection Fund (0970) 36,460

Personal Service and/or Expense and Equipment for the Mansion

From General Revenue Fund (0101) 100,345
Total (Not to exceed 36.50 F.T.E.) $3,049,486

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 12.006. — To the Governor

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $414

SECTION 12.010. — To the Governor

For expenses incident to emergency duties performed by the National Guard when ordered out by the Governor

From General Revenue Fund (0101) $4,000,001

SECTION 12.015. — To the Governor

For conducting special audits

From General Revenue Fund (0101) $30,000

SECTION 12.025. — To the Lieutenant Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) $624,026
From Missouri Arts Council Trust Fund (0262) 41,233
Total (Not to exceed 8.00 F.T.E.) $665,259

SECTION 12.026. — To the Lieutenant Governor

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $1,025
From Federal and Other Funds (Various) 487
Total $1,512

SECTION 12.030. — To the Lieutenant Governor

For the Missouri State Council on the Arts, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service $361,590
Expense and Equipment 632,514
From Department of Economic Development- Missouri Council on the Arts Federal Fund (0138) 994,104

Personal Service 581,495
Expense and Equipment 4,433,843
From Missouri Arts Council Trust Fund (0262) 5,015,338

For grants to public television and radio stations as provided in Section 143.183, RSMo

From Missouri Public Broadcasting Corporation Special Fund (0887) 1,010,000

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

For the Missouri Humanities Council
Expense and Equipment
From Missouri Humanities Council Trust Fund (0177) 1,260,000

For a museum that commemorates the contributions of African-Americans to the sport of baseball, provided that $100,000 fund the Historical Education Center
Expense and Equipment
From Missouri Humanities Council Trust Fund (0177) 250,000

For an Urban Academy, located within a home rule city with more than 400,000 inhabitants and located in more than one county, which provides athletic programming targeting underserved youth
From Missouri Humanities Council Trust Fund (0177) 100,000
Total (Not to exceed 15.00 F.T.E.) $8,629,442

SECTION 12.035. — To the Lieutenant Governor
Funds are to be transferred out of the State Treasury to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo
From General Revenue Fund (0101) $4,824,097

SECTION 12.040. — To the Lieutenant Governor
Funds are to be transferred out of the State Treasury to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo
From General Revenue Fund (0101) $1,150,000

SECTION 12.045. — To the Lieutenant Governor
Funds are to be transferred out of the State Treasury to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo
From General Revenue Fund (0101) $800,000

SECTION 12.055. — To the Secretary of State
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) $9,488,220
From Election Administration Improvements Fund (0157) 287,157
From Secretary of State - Federal Fund (0195) 490,281
From Secretary of State's Technology Trust Fund Account (0266) 3,548,522
From Local Records Preservation Fund (0577) 1,383,449
From Investor Education and Protection Fund (0829) 1,632,436

From Wolfner Library Trust Fund (0928) 30,000
Total (Not to exceed 267.30 F.T.E.) $16,860,065

SECTION 12.056. — To the Secretary of State
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $965
From Federal and Other Funds (Various) 1,284
Total $2,249

SECTION 12.060. — To the Secretary of State
For receiving and expending grants, donations, contracts, and payments from private, federal, or other governmental agencies provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they will be expended, in writing, prior to the expenditure of said funds
From Secretary of State - Federal Fund (0166) $200,000

SECTION 12.065. — To the Secretary of State
For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office
From General Revenue Fund (0101) $50,000
From Secretary of State's Technology Trust Fund Account (0266) 10,000
Total $60,000

SECTION 12.070. — To the Secretary of State
For reimbursement to victims of securities fraud and other violations pursuant to Section 409.6-603, RSMo
From Investor Restitution Fund (0741) $2,000,000

Funds are to be transferred out of the State Treasury to the Investor Education and Protection Fund
From Investor Restitution Fund (0741) 5,340,785
Total $7,340,785

SECTION 12.075. — To the Secretary of State
For implementation of the Missouri Family Trust Company Act
From Family Trust Company Fund (0810) $20,000

SECTION 12.080. — To the Secretary of State
For expenses of initiative referendum and constitutional amendments, provided that ten percent (10%) flexibility is allowed from this section to Section 12.125
From General Revenue Fund (0101) $1

SECTION 12.085. — To the Secretary of State
For election costs associated with absentee ballots
From General Revenue Fund (0101) $70,000

SECTION 12.090. — To the Secretary of State
For election reform grants, transactions costs, election administration improvements within Missouri, support of Help America Vote Act activities, and the state's share of election costs as required by Chapter 115, RSMo
From Election Administration Improvements Fund (0157) $23,350,495
From Election Improvement Revolving Loan Fund (0158) 50,000
Total $23,400,495

SECTION 12.095. — To the Secretary of State
Funds are to be transferred out of the State Treasury to the Election Administration Improvements Fund
From General Revenue Fund (0101) $9,784,000

SECTION 12.100. — To the Secretary of State
For historical repository grants
From Secretary of State Records - Federal Fund (0150) $50,000

SECTION 12.105. — To the Secretary of State
For local records preservation grants
From Local Records Preservation Fund (0577) $400,000

SECTION 12.110. — To the Secretary of State
For preserving legal, historical, and genealogical materials and making them available to the public
From State Document Preservation Fund (0836) $25,000

SECTION 12.115. — To the Secretary of State
For aid to public libraries
From General Revenue Fund (0101) $3,504,001

For a library and museum, located in a home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, which promotes awareness of presidents from Missouri
From General Revenue Fund (0101) 1,000,000
Total $4,504,001

SECTION 12.120. — To the Secretary of State
For the Remote Electronic Access for Libraries Program
From General Revenue Fund (0101) $2,000,000

SECTION 12.125. — To the Secretary of State
For all allotments, grants, and contributions from the federal government or from any sources that may be deposited in the State Treasury for the use of the Missouri State Library
From Secretary of State - Federal Fund (0195) $4,125,000

SECTION 12.130. — To the Secretary of State
For library networking grants and other grants and donations
From Library Networking Fund (0822) $1,110,000

SECTION 12.135. — To the Secretary of State
Funds are to be transferred out of the State Treasury to the Library Networking Fund
From General Revenue Fund (0101) $800,000

SECTION 12.140. — To the Secretary of State

For the publication of the Official Manual of Missouri by the University of Missouri Press, provided that all copies are sold at cost and proceeds are deposited into the Blue Book Printing Fund

From Blue Book Printing Fund (0471) $50,000

SECTION 12.165. — To the State Auditor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) $6,728,592
From State Auditor - Federal Fund (0115) 924,380
From Conservation Commission Fund (0609) 49,751
From Parks Sales Tax Fund (0613) 23,545
From Soil and Water Sales Tax Fund (0614) 22,724
From Petition Audit Revolving Trust Fund (0648) 897,936
Total (Not to exceed 167.77 F.T.E.) $8,646,928

SECTION 12.166. — To the State Auditor

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $7,519
From Federal and Other Funds (Various) 2,465
Total $9,984

SECTION 12.185. — To the State Treasurer

Personal Service and/or Expense and Equipment

From State Treasurer's General Operations Fund (0164) $2,251,971

Personal Service and/or Expense and Equipment

From Central Check Mailing Service Revolving Fund (0515) 112,923

For Unclaimed Property Division administrative costs including personal service, expense and equipment for auctions, advertising, and promotions

From Abandoned Fund Account (0863) 2,232,555

For preparation and dissemination of information or publications, or for refunding overpayments

From Treasurer's Information Fund (0255) 8,000
Total (Not to exceed 50.40 F.T.E.) $4,605,449

SECTION 12.186. — To the State Treasurer

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From Other Funds (Various) $523

SECTION 12.190. — To the State Treasurer
For issuing duplicate checks or drafts and outlawed checks as provided by law
From General Revenue Fund (0101) $3,000,000

SECTION 12.195. — To the State Treasurer
For payment of claims for abandoned property transferred by holders to the state
From Abandoned Fund Account (0863) $49,000,000

SECTION 12.200. — To the State Treasurer
For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo
From General Revenue Fund (0101) $4,500,000

SECTION 12.205. — To the State Treasurer
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Abandoned Fund Account (0863) $55,000,000

SECTION 12.210. — To the State Treasurer
For refunds of excess interest from the Linked Deposit Program
From General Revenue Fund (0101) $2,500

SECTION 12.215. — To the State Treasurer
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Debt Offset Escrow Fund (0753) $100,000

SECTION 12.220. — To the State Treasurer
Funds are to be transferred out of the State Treasury to the General Revenue Fund
From Other Funds (Various) $2,000,000

SECTION 12.225. — To the State Treasurer
Funds are to be transferred out of the State Treasury to the State Public School Fund
From Abandoned Fund Account (0863) $3,000,000

SECTION 12.245. — To the Attorney General
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) $13,835,780

Personal Service and/or Expense and Equipment
From Attorney General - Federal Fund (0136) 2,730,093
From Gaming Commission Fund (0286) 149,109
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 44,702
From Solid Waste Management Fund (0570) 45,202
From Petroleum Storage Tank Insurance Fund (0585) 28,483
From Motor Vehicle Commission Fund (0588) 52,866
From Health Spa Regulatory Fund (0589) 5,000
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) 44,663

From Attorney General's Court Costs Fund (0603) 187,000
From Soil and Water Sales Tax Fund (0614) 15,588
From Merchandising Practices Revolving Fund (0631) 3,848,738
From Workers' Compensation Fund (0652) 492,772
From Workers' Compensation - Second Injury Fund (0653) 3,207,635
From Lottery Enterprise Fund (0657) 59,801
From Antitrust Revolving Fund (0666) 657,483
From Hazardous Waste Fund (0676) 322,080
From Safe Drinking Water Fund (0679) 15,624
From Inmate Incarceration Reimbursement Act Revolving Fund (0828) 147,406
From Mined Land Reclamation Fund (0906) 15,583
Total (Not to exceed 395.05 F.T.E.) $25,905,608

SECTION 12.246. — To the Attorney General
For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended
From General Revenue Fund (0101) $4,795
From Federal and Other Funds (Various) 8,669
Total $13,464

SECTION 12.250. — To the Attorney General
For law enforcement, domestic violence, victims' services, sexual assault evidence collection, testing, and tracking in collaboration with the Departments of Public Safety and Social Services through a Memorandum of Understanding (MOU), provided that ten percent (10%) flexibility is allowed from this section to Section 12.245 if the Attorney General receives such grant
Expense and Equipment
From Attorney General - Federal Fund (0136) $3,100,000

SECTION 12.255. — To the Attorney General
For a Medicaid fraud unit
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) $735,342
From Attorney General - Federal Fund (0136) 2,114,034
From MO HealthNet Fraud Prosecution Revolving Fund (0252) 280,617
Total (Not to exceed 29.00 F.T.E.) $3,129,993

SECTION 12.260. — To the Attorney General
For the Missouri Office of Prosecution Services
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) $188,710
From Attorney General - Federal Fund (0136) 1,140,460
From Missouri Office of Prosecution Services Fund (0680) 2,048,512
From Missouri Office of Prosecution Services Revolving Fund (0844) 152,136

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo
From General Revenue Fund (0101) 143,550
Total (Not to exceed 10.00 F.T.E.) $3,673,368

SECTION 12.265. — To the Attorney General
Funds are to be transferred out of the State Treasury to the Missouri Office of Prosecution Services Fund
From Attorney General - Federal Fund (0136) $100,000

SECTION 12.270. — To the Attorney General
For the fulfillment or failure of conditions, or other such developments, necessary to determine the appropriate disposition of such funds, to those individuals, entities, or accounts within the State Treasury, certified by the Attorney General as being entitled to receive them
Expense and Equipment
From Attorney General Trust Fund (0794) $4,000,000

SECTION 12.275. — To the Attorney General
Funds are to be transferred out of the State Treasury to the Attorney General's Court Costs Fund
From General Revenue Fund (0101) $165,600

SECTION 12.280. — To the Attorney General
Funds are to be transferred out of the State Treasury to the Antitrust Revolving Fund
From General Revenue Fund (0101) $69,000

SECTION 12.300. — To the Supreme Court
For funding Judicial Proceedings and Review, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
Personal Services $3,197,724
Expense and Equipment 1,012,409
From General Revenue Fund (0101) 4,210,133

Personal Service
From Judiciary - Federal Fund (0137) 526,417

Expense and Equipment
From Supreme Court Publications Revolving Fund (0525) 150,000
Total (Not to exceed 76.00 F.T.E.) $4,886,550

SECTION 12.301. — To the Supreme Court
For the salaries of Supreme Court Judges and Chief Justice
Personal Service
From General Revenue Fund (0101) (Not to exceed 7.00 F.T.E.) $1,224,131

SECTION 12.302. — To the Supreme Court

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $71,228
From Federal and Other Funds (Various) 22,735
Total $93,963

SECTION 12.305. — To the Supreme Court

For funding the State Courts Administrator and implementing and supporting an integrated case management system, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

Personal Service $7,019,051
Expense and Equipment 4,761,082
From General Revenue Fund (0101) 11,780,133

Expense and Equipment
From State Court Administration Revolving Fund (0831) 60,000

Expense and Equipment
From Crime Victims' Compensation Fund (0681) 887,200
Total (Not to exceed 136.00 F.T.E.) $12,727,333

SECTION 12.310. — To the Supreme Court

For funding court improvement projects and receiving grants and contributions of funds from the federal government or from any other source which may be deposited into the State Treasury for use of the Supreme Court and other state courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

Personal Service $2,457,041
Expense and Equipment 5,609,649
From Judiciary - Federal Fund (0137) 8,066,690

Personal Service 95,092
Expense and Equipment 4,866
Program Specific Distribution 5,000,000
From Basic Civil Legal Services Fund (0757) 5,099,958
Total (Not to exceed 48.25 F.T.E.) $13,166,648

SECTION 12.315. — To the Supreme Court

For funding the development and implementation of a program of statewide court automation, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further

provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
Expense and Equipment
From General Revenue Fund (0101) $2,000,000

Personal Service 1,681,092
Expense and Equipment 3,595,125
From Statewide Court Automation Fund (0270) (Not to exceed 34.00 F.T.E.) 5,276,217
Total $7,276,217

SECTION 12.320. — To the Supreme Court
Funds are to be transferred out of the State Treasury to the Judiciary Education and Training Fund
From General Revenue Fund (0101) $1,898,239

SECTION 12.325. — To the Supreme Court
For Judicial Education and Training, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
Personal Service $602,674
Expense and Equipment 843,688
From Judiciary Education and Training Fund (0847) 1,446,362

Expense and Equipment
From Judiciary - Federal Fund (0137) 225,000
Total (Not to exceed 11.00 F.T.E.) $1,671,362

SECTION 12.335. — To the Supreme Court
For funding the three (3) Courts of Appeals, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
Personal Service $6,165,946
Expense and Equipment 1,028,025
From General Revenue Fund (0101) (Not to exceed 127.35 F.T.E.) $7,193,971

SECTION 12.336. — To the Supreme Court
For the salaries of Appeals Court Judges
Personal Service
From General Revenue Fund (0101) (Not to exceed 32.00 F.T.E.) $5,083,142

SECTION 12.340. — To the Supreme Court
For funding the Circuit Courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

Personal Service $88,259,642
Annual salary adjustment in accordance with section 476.405, RSMo 405,152
Expense and Equipment 2,983,296
From General Revenue Fund (0101) 91,648,090

Personal Service 3,935,894
Expense and Equipment 1,829,661
From Judiciary - Federal Fund (0137) 5,765,555

Personal Service 276,470
Expense and Equipment 128,039
From Third Party Liability Collections Fund (0120) 404,509

Expense and Equipment
From State Court Administration Revolving Fund (0831) 170,000

For the payment to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
From General Revenue Fund (0101) 7,579,900

For making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
From Circuit Courts Escrow Fund (0718) 4,079,958
Total (Not to exceed 2,578.70 F.T.E.) $109,648,012

SECTION 12.341. — To the Supreme Court
For the salaries of the Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Treatment Court Commissioners, and Family Court Commissioners
Personal Service
From General Revenue Fund (0101) (Not to exceed 389.00 F.T.E.) $54,838,790

SECTION 12.345. — To the Supreme Court
For funding the court-appointed special advocacy program statewide office, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365
From General Revenue Fund (0101) $500,000

For funding court-appointed special advocacy programs as provided in Section 476.777, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

From Missouri CASA Fund (0590) 100,000
Total $600,000

SECTION 12.350. — To the Supreme Court

For funding costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

From Domestic Relations Resolution Fund (0852) $300,000

SECTION 12.355. — To the Commission on Retirement, Removal, and Discipline of Judges

For funding the expenses of the Commission, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

Personal Service $214,071
Expense and Equipment 42,667
From General Revenue Fund (0101) (Not to exceed 2.75 F.T.E.) $256,738

SECTION 12.360. — To the Supreme Court

For funding the expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals, and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101) $7,741

SECTION 12.365. — To the Supreme Court

Funds are to be transferred out of the State Treasury to the Treatment Court Resources Fund

From General Revenue Fund (0101) $11,982,461

SECTION 12.370. — To the Supreme Court

For funding treatment courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further

provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.370, excluding Sections 12.320 and 12.365

Personal Service $214,223
Expense and Equipment 10,680,680

For funding treatment programs focused on medication assisted treatment for Missourians with substance use disorder related to alcohol and opioid addiction. The Treatment Courts Coordinating Commission shall enter into agreements with drug courts, DWI courts, veteran's courts, and other treatment courts of this state in order to fund medication assisted treatment programs. The Treatment Courts Coordinating Commission shall submit an annual report to both the Chairperson of the House Budget Committee and the Chairperson of the Senate Appropriations Committee that includes information concerning the contracts entered into and the impact of the medication assisted treatment programs on rate of recidivism
Expense and Equipment 1,000,000
From Treatment Court Resources Fund (0733) (Not to exceed 4.00 F.T.E.) 11,894,903

For a diversion program with the circuit attorney in a city not within a county in which criminal charges are dismissed if the individual successfully completes the programs
From General Revenue Fund (0101) 250,000
Total $12,144,403

SECTION 12.400. — To the Office of the State Public Defender
For funding the State Public Defender System
Personal Service and/or Expense and Equipment $43,608,451

For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System 4,721,071
From General Revenue Fund (0101) 48,329,522

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo
Personal Service 138,890
Expense and Equipment 2,850,756
From Legal Defense and Defender Fund (0670) 2,989,646

For refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) 1,700,000

For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender
From Office of State Public Defender - Federal Funds (0112) 125,000
Total (Not to exceed 615.13 F.T.E.) $53,144,168

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 12.401. — To the Public Defender

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $145,376
From Other Funds (Various) 11,250
Total $156,626

SECTION 12.500. — To the Senate

Salaries of Members $1,226,610
Mileage of Members 87,406
Members' Per Diem 306,100
Senate Contingent Expenses 11,072,071
Joint Contingent Expenses 225,000
From General Revenue Fund (0101) 12,917,187

Senate Contingent Expenses

From Senate Revolving Fund (0535) 40,000
Total (Not to exceed 221.04 F.T.E.) $12,957,187

SECTION 12.501. — To the Senate

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $15,463

SECTION 12.505. — To the House of Representatives

Salaries of Members $5,861,145
Mileage of Members 395,491
Members' Per Diem 1,500,000
Representatives' Expense Vouchers 1,371,712
House Contingent Expenses 13,427,502
From General Revenue Fund (0101) 22,555,850

House Contingent Expenses

From House of Representatives Revolving Fund (0520) 45,000
Total (Not to exceed 435.88 F.T.E.) $22,600,850

SECTION 12.506. — To the House of Representatives

For the purpose of funding an increase in the mileage reimbursement rate in Fiscal Year 2020, provided that these funds shall only be expended to fund an increase in the mileage reimbursement rate after the appropriate core expense and equipment funds have been fully expended

From General Revenue Fund (0101) $75,495

SECTION 12.510. — To the House of Representatives
For payment of organizational dues
From General Revenue Fund (0101) $294,631

SECTION 12.515. — To the Committee on Legislative Research
For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
For the Legislative Research Administration $576,461
For the Oversight Division 1,268,352
From General Revenue Fund (0101) 1,844,813

For an audit and/or program evaluation of the Regional Convention and Sports Complex authority
From General Revenue Fund (0101) 100,000
Total (Not to exceed 27.00 F.T.E.) $1,944,813

SECTION 12.520. — To the Committee on Legislative Research
For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri
From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.) $288,710

SECTION 12.525. — To the Joint Committees of the General Assembly
For the Joint Committee on Administrative Rules $142,859
For the Joint Committee on Public Employee Retirement 174,093
For the Joint Committee on Education 77,937
From General Revenue Fund (0101) (Not to exceed 6.00 F.T.E.) $394,889

Elected Officials Totals
General Revenue Fund $70,201,654
Federal Funds 39,566,061
Other Funds 80,622,680
Total $190,390,395

Judiciary Totals
General Revenue Fund $200,524,697
Federal Funds 14,587,721
Other Funds 12,472,060
Total $227,584,478

Public Defender Totals
General Revenue Fund $48,474,898
Federal Funds 125,000
Other Funds 3,000,896
Total $51,600,794

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

General Assembly Totals

General Revenue Fund	$38,198,328
Other Funds	373,710
Total	$38,572,038

Approved June 10, 2019

SCS HCS HB 13

Appropriates money for real property leases and related services

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 13.005. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the payment of real property leases, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education

Expense and Equipment

From General Revenue Fund (0101)	$431,833
From Assistive Technology Federal Fund (0188)	40,445
From DESE - Federal Fund (0105)	5,539
From Vocational Rehabilitation Fund (0104)	1,917,755
From Assistive Technology Loan Revolving Fund (0889)	12,135
From Deaf Relay Service and Equipment Distribution Program Fund (0559)	28,309

For the Department of Higher Education

Expense and Equipment

From Job Development and Training Fund (0155) 1,356,980
From Special Employment Security Fund (0949) 218,324

For the Department of Revenue
Expense and Equipment
From General Revenue Fund (0101) 431,482

For the Department of Revenue
For the State Lottery Commission
Expense and Equipment
From Lottery Enterprise Fund (0657) 390,689

For the Office of Administration
Expense and Equipment
From General Revenue Fund (0101) 493,097
From OA Revolving Administrative Trust Fund (0505) 132,315
From State Facility Maintenance and Operation Fund (0501) 244,681

For the Ethics Commission
Expense and Equipment
From General Revenue Fund (0101) 105,966

For the Department of Agriculture
Expense and Equipment
From General Revenue Fund (0101) 241,863
From Department of Agriculture Federal Fund (0133) 4,476
From Agriculture Protection Fund (0970) 2,009
From Grain Inspection Fee Fund (0647) 69,599
From Petroleum Inspection Fund (0662) 6,440

For the Department of Natural Resources
Expense and Equipment
From General Revenue Fund (0101) 424,989
From DNR - Federal Fund (0140) 358,459
From Missouri Air Emission Reduction Fund (0267) 24,523
From State Park Earnings Fund (0415) 73,199
From Historic Preservation Revolving Fund (0430) 2,327
From DNR Cost Allocation Fund (0500) 85,389
From Natural Resources Protection Fund (0555) 12,441
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) 99,721
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 30,263
From Solid Waste Management Fund (0570) 128,011
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) 20,537
From Petroleum Storage Tank Insurance Fund (0585) 24,515
From Underground Storage Tank Regulation Program Fund (0586) 5,616

From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)..... 285,727
From Parks Sales Tax Fund (0613)..... 93,294
From Hazardous Waste Fund (0676)..... 124,812
From Safe Drinking Water Fund (0679)..... 99,746

For the Department of Economic Development
Expense and Equipment
From Division of Tourism Supplemental Revenue Fund (0274)..... 4,245

For the Department of Insurance, Financial Institutions and Professional Registration
Expense and Equipment
From Division of Finance Fund (0550)..... 53,766
From Insurance Dedicated Fund (0566)..... 5,243
From Insurance Examiners Fund (0552)..... 8,284
From Professional Registration Fees Fund (0689)..... 7,788
From Public Service Commission Fund (0607)..... 978,317
From Manufactured Housing Fund (0582)..... 21,244

For the Department of Labor and Industrial Relations
Expense and Equipment
From General Revenue Fund (0101)..... 5,991
From DOLIR - Commission on Human Rights - Federal Fund (0117)..... 10,890
From DOLIR Administrative Fund (0122)..... 2,326
From Unemployment Compensation Administration Fund (0948)..... 86,634
From Workers' Compensation Fund (0652)..... 360,247

For the Department of Public Safety
Expense and Equipment
From State Emergency Management - Federal Fund (0145)..... 7,421
From Justice Assistance Grant Program Fund (0782)..... 15,571
From Veterans' Commission Capital Improvement Trust Fund (0304)..... 223,726
From Division of Alcohol and Tobacco Control Fund (0544)..... 157,196

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From General Revenue Fund (0101)..... 190,207
From Department of Public Safety - Federal Fund (0152)..... 6,787
From State Highways and Transportation Department Fund (0644)..... 1,110,483

For the Department of Public Safety
For the Adjutant General
Expense and Equipment
From General Revenue Fund (0101)..... 34,322
From Adjutant General - Federal Fund (0190)..... 1,693,675

For the Department of Public Safety
For the Missouri Gaming Commission
Expense and Equipment
From Gaming Commission Fund (0286) 407,686

For the Department of Corrections
Expense and Equipment
From General Revenue Fund (0101) 6,368,754
From Working Capital Revolving Fund (0510) 336,740

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund (0101) 2,016,940

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund (0101) 1,690,528
From Department of Health and Senior Services - Federal Fund (0143) 1,953,621

For the Department of Social Services
Expense and Equipment
From General Revenue Fund (0101) 9,586,315
From DSS Federal and Other Sources Fund (0610) 5,390,776

For the General Assembly
Expense and Equipment
From General Revenue Fund (0101) 8,289

For the Lieutenant Governor
Expense and Equipment
From General Revenue Fund (0101) 44,353
From Missouri Arts Council Trust Fund (0262) 55,445

For the Attorney General
Expense and Equipment
From General Revenue Fund (0101) 437,894
From Attorney General - Federal Fund (0136) 129,153
From Merchandising Practices Revolving Fund (0631) 103,638
From Workers' Compensation - Second Injury Fund (0653) 82,837
From Workers' Compensation Fund (0652) 82,837
From Hazardous Waste Fund (0676) 7,285
From Missouri Office of Prosecution Services Fund (0680) 36,277

For the Secretary of State
Expense and Equipment
From General Revenue Fund (0101) 731,610
From Local Records Preservation Fund (0577) 2,103

For the State Auditor
Expense and Equipment
From General Revenue Fund (0101) 5,986

For the Judiciary
Expense and Equipment
From General Revenue Fund (0101) 2,521,951
From Judiciary - Federal Fund (0137) 21,067
From Judiciary Education and Training Fund (0847) 129,149
Total $45,163,103

SECTION 13.010. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For operation of state-owned facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund (0101) $364,302
From Vocational Rehabilitation Fund (0104) 844,181
From DESE - Federal Fund (0105) 383,107

For the Department of Higher Education
Expense and Equipment
From General Revenue Fund (0101) 126,421
From Job Development and Training Fund (0155) 683,570

For the Department of Revenue
Expense and Equipment
From General Revenue Fund (0101) 1,908,025

For the Office of Administration
Expense and Equipment
From General Revenue Fund (0101) 3,079,809
From State Facility Maintenance and Operation Fund (0501) 551,458
From Children's Trust Fund (0694) 13,381

For the Department of Agriculture
Expense and Equipment
From General Revenue Fund (0101) 90,363
From Department of Agriculture - Federal Fund (0133) 25,299
From Animal Health Laboratory Fee Fund (0292) 33,670
From Animal Care Reserve Fund (0295) 3,186

From Commodity Council Merchandising Fund (0406) 3,047
From Single - Purpose Animal Facilities Loan Program Fund (0408) 3,603
From State Milk Inspection Fees Fund (0645)..... 3,908
From Grain Inspection Fees Fund (0647)..... 3,395
From Petroleum Inspection Fund (0662)..... 103,687
From Missouri Wine and Grape Fund (0787)..... 9,774
From Agriculture Development Fund (0904) 1,401
From Agriculture Protection Fund (0970)..... 274,137

For the Department of Natural Resources
Expense and Equipment
From General Revenue Fund (0101) 300,066
From DNR - Federal Fund (0140) 218,256
From Missouri Air Emission Reduction Fund (0267)..... 69,626
From Historic Preservation Revolving Fund (0430) 6,328
From DNR Cost Allocation Fund (0500)..... 99,158
From Natural Resources Protection Fund (0555) 172
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)..... 140,556
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 5,206
From Solid Waste Management Fund (0570)..... 10,029
From Metallic Minerals Waste Management Fund (0575).....547
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)..... 2,264
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)..... 70,746
From Soil and Water Sales Tax Fund (0614)..... 35,101
From Hazardous Waste Fund (0676)..... 26,889
From Safe Drinking Water Fund (0679) 108,270
From Mined Land Reclamation Fund (0906) 11,609
From Energy Federal Fund (0866)..... 44,743
From Energy Set-Aside Program Fund (0667)..... 24,090

For the Department of Economic Development
Expense and Equipment
From General Revenue Fund (0101) 198,383
From Division of Tourism Supplemental Revenue Fund (0274) 101,374
From Department of Economic Development Administrative Fund (0547)..... 44,461

For the Department of Insurance, Financial Institutions and Professional Registration
Expense and Equipment
From Division of Credit Unions Fund (0548)..... 25,938
From Division of Finance Fund (0550) 181,862
From Insurance Examiners Fund (0552) 96,784
From Insurance Dedicated Fund (0566)..... 350,773
From Professional Registration Fees Fund (0689) 214,209
From Public Service Commission Fund (0607)..... 102,735

For the Department of Labor and Industrial Relations
Expense and Equipment
From General Revenue Fund (0101) 56,409
From DOLIR - Commission on Human Rights - Federal Fund (0117) 59,923
From DOLIR Administrative Fund (0122) 267,611
From Division of Labor Standards - Federal Fund (0186) 5,440
From Unemployment Compensation Administration Fund (0948) 971,761
From Workers' Compensation Fund (0652) 432,003
From Special Employment Security Fund (0949) 37,035

For the Department of Public Safety
Expense and Equipment
From General Revenue Fund (0101) 240,750
From Division of Alcohol and Tobacco Control Fund (0544) 71,617
From Missouri Disaster Fund (0663) 17,348
From Veterans' Commission Capital Improvement Trust Fund (0304) 157,224

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From State Highways and Transportation Department Fund (0644) 160,210

For the Department of Public Safety
For the Missouri Gaming Commission
Expense and Equipment
From Gaming Commission Fund (0286) 77,697

For the Department of Corrections
Expense and Equipment
From General Revenue Fund (0101) 960,426

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund (0101) 853,190
From Department of Mental Health - Federal Fund (0148) 196,757
From Compulsive Gamblers Fund (0249) 1,435
From Health Initiatives Fund (0275) 6,457

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund (0101) 836,739
From Department of Health and Senior Services - Federal Fund (0143) 966,969

For the Department of Social Services
Expense and Equipment
From General Revenue Fund (0101) 5,612,625
From Temporary Assistance for Needy Families Fund (0199) 131,038
From DOSS Federal and Other Sources Fund (0610) 759,817

From Health Initiatives Fund (0275)..... 17,461
From Department of Social Services Educational Improvement Fund (0620)..... 5,368

For the Governor
Expense and Equipment
From General Revenue Fund (0101)..... 473,206

For the Lieutenant Governor
Expense and Equipment
From General Revenue Fund (0101)..... 36,638

For the General Assembly
Expense and Equipment
From General Revenue Fund (0101)..... 1,956,315

For the Secretary of State
Expense and Equipment
From General Revenue Fund (0101)..... 942,649
From Secretary of State's Technology Trust Fund Account (0266)..... 11,115
From Local Records Preservation Fund (0577)..... 5,347
From Investor Education and Protection Fund (0829)..... 21,748

For the State Auditor
Expense and Equipment
From General Revenue Fund (0101)..... 186,326

For the Attorney General
Expense and Equipment
From General Revenue Fund (0101)..... 519,895
From Attorney General - Federal Fund (0136)..... 151,262
From Natural Resources Protection Water Pollution Permit Fee Subaccount Fund (0568)..... 10,356
From Workers' Compensation Fund (0652)..... 32,473
From Workers' Compensation Second Injury Fund (0653)..... 32,473
From Hazardous Waste Fund (0676)..... 10,356

For the State Treasurer
Expense and Equipment
From State Treasurer's General Operations Fund (0164)..... 188,565

For the Judiciary
Expense and Equipment
From General Revenue Fund (0101)..... 255,038
Total..... $28,736,971

SECTION 13.015. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the operation of institutional facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed

between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, further provided that three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund (0101) $4,232,166

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From General Revenue Fund (0101) 506,945
From State Highways and Transportation Department Fund (0644) 1,668,905

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund (0101) 20,953,329

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund (0101) 9,335
From Department of Health and Senior Services - Federal Fund (0143) 10,789

For the Department of Social Services
Expense and Equipment
From General Revenue Fund (0101) 3,425,480

From DOSS Federal and Other Sources Fund (0610) 825,505
Total $31,632,454

SECTION 13.020. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the collection and payment of costs associated with state-owned, institutional, and state leased space occupied by non-state agencies
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund (0505) $1,500,000

SECTION 13.021. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101) $1

Bill Totals
General Revenue Fund $73,897,201
Federal Funds 19,295,014

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Other Funds.....11,141,923
Total.....$104,334,138

Approved June 10, 2019

CCS SCS HCS HB 14

Appropriates money for supplemental purposes

AN ACT to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period ending June 30, 2019, as follows:

PART 1

SECTION 14.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 14.005. — To the Department of Elementary and Secondary Education
For distributions to the free public schools for Early Childhood Special Education
From General Revenue Fund (0101).....$1,246,090

SECTION 14.006. — To the Department of Elementary and Secondary Education
For distributions of charter school closure refunds
From General Revenue Fund (0101).....$475,000

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 14.010. — To the Department of Elementary and Secondary Education
For the STEM Career Awareness Program
Expense and Equipment
From STEM Career Awareness Program Fund (0997) $250,000

SECTION 14.015. — To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund
From School District Trust Fund (0688) $10,300,000

SECTION 14.020. — To the Department of Elementary and Secondary Education
For Independent Living Centers
From Vocational Rehabilitation Fund (0104) $110,000

SECTION 14.025. — To the Department of Elementary and Secondary Education
For the Missouri School for the Blind
From School for the Blind Trust Fund (0920) $1,000,000

SECTION 14.030. — To the Department of Higher Education
For distributions to community colleges as provided in section 163.191, RSMo
For the payment of refunds set off against debt as required by section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $50,000

SECTION 14.035. — To Missouri Western State University
For the payment of refunds set off against debt as required by section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $75,000

SECTION 14.040. — To the Department of Revenue
For the State Lottery Commission
For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the State Lottery Commission, excluding pull-tab machines
Expense and Equipment $1,000,000
For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of pull-tab machines
Expense and Equipment 1,610,490
From Lottery Enterprise Fund (0657) $2,610,490

SECTION 14.045. — To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Lottery Enterprise Fund
From State Lottery Fund (0682) $2,610,490

SECTION 14.050. — To the Department of Transportation
For the Highways and Transportation Commission and Highway Program
For costs related to license plate reissuance
Expense and Equipment
From State Road Fund (0320) $2,000,000

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.055. — To the Department of Transportation
For the Maintenance Program
To pay the costs of preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the preservation, maintenance, and safety of highways and bridges
Personal Service
From State Road Fund (0320) $1,000,000

SECTION 14.060. — To the Department of Transportation
For Maintenance Program fringe benefits
Personal Service
From State Road Fund (0320) $1,000,000

SECTION 14.065. — To the Department of Transportation
For the Construction Program
To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to expend funds from the United States Government for like purposes
Expense and Equipment
From State Road Fund (0320) $2,000,000

SECTION 14.070. — To the Office of Administration
For the purpose of funding the Office of Child Advocate
Personal Service
From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.) $44,690

SECTION 14.075. — To the Office of Administration
Funds are to be transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash-flow assistance, to the Budget Reserve Fund and Other Funds
From General Revenue Fund (0101) $700,000

SECTION 14.080. — To the Office of Administration
For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund
From General Revenue Fund (0101) $4,572,017

SECTION 14.085. — To the Office of Administration
For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund
From General Revenue Fund (0101) $4,572,016

SECTION 14.090. — To the Office of Administration
For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund
From General Revenue Fund (0101) $13,298,683
From Federal Funds (Various) 2,145,902
From Other Funds (Various) 3,433,442
Total $18,878,027

SECTION 14.095. — To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri Consolidated Health Care Plan
From Missouri Consolidated Health Care Plan Benefit Fund (0765) $14,306,011

SECTION 14.100. — To the Office of Administration
For the Division of General Services

For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo
From General Revenue Fund (0101) $267,817

SECTION 14.105. — To the Office of Administration
For the Division of General Services
For workers' compensation tax payments pursuant to Section 287.690, RSMo
From Conservation Commission Fund (0609) $150,000

SECTION 14.110. — To the Department of Agriculture
For the Office of the Director
Expense and Equipment
From Department of Agriculture Federal Fund (0133) $825,000

SECTION 14.115. — To the Department of Agriculture
For the Agriculture Business Development Division

Expense and Equipment
From Department of Agriculture Federal Fund (0133) $123,000

SECTION 14.120. — To the Department of Natural Resources
For the Division of Environmental Quality
For soil and water conservation cost-share grants
From Soil and Water Sales Tax Fund (0614) $4,400,000

SECTION 14.125. — To the Department of Natural Resources
For Missouri State Parks
For state park support activities and grants and/or loans for recreational purposes, provided that $6,700,000 be used solely to encumber funds for future fiscal year expenditures
From Department of Natural Resources Federal Fund (0140) $7,900,000

SECTION 14.130. — To the Department of Natural Resources
For the State Environmental Improvement and Energy Resources Authority
For all costs incurred in the operation of the authority, including special studies
Personal Service $502,933
Expense and Equipment 951,000
From State Environmental Improvement Authority Fund (0654) (Not to exceed 8.00 F.T.E.) $1,453,933

SECTION 14.135. — To the Department of Economic Development
For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo
From Downtown Revitalization Preservation Fund (0907) $45,000

SECTION 14.140. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund
From General Revenue Fund (0101) $45,000

SECTION 14.145. — To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Community Service Commission
Expense and Equipment
From Community Service Commission Fund (0197) $782,500

SECTION 14.165. — To the Department of Mental Health
For the Office of the Director
For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) $5,123,140

SECTION 14.170. To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs
Expense and Equipment
From Department of Mental Health Federal Fund (0148) $215,313

SECTION 14.175. — To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding prevention and education services
Expense and Equipment
From Department of Mental Health Federal Fund (0148) $478,364

SECTION 14.180. — To the Department of Mental Health
For the Division of Behavioral Health
For treatment of alcohol and drug abuse
Expense and Equipment
From Department of Mental Health Federal Fund (0148) $14,239,795

SECTION 14.185. — To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding adult community programs
From General Revenue Fund (0101) $815,038

SECTION 14.190. — To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding community programs
From General Revenue Fund (0101) $2,306,241
From Department of Mental Health Federal Fund (0148) 2,258,958

For the purpose of funding programs for persons with autism and their families
From General Revenue Fund (0101) 8,459

For an Autism Center located in a home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants
From General Revenue Fund (0101) 750

For the purpose of funding Autism Outreach Initiatives for Children in Northeast Missouri
From General Revenue Fund (0101) 750

For the purpose of funding Regional Autism projects
From General Revenue Fund (0101) 1,970
Total $4,577,128

SECTION 14.195. — To the Department of Health and Senior Services
For the Division of Administration
For the purpose of funding the payment of refunds set off against debts in accordance with Section 143.786, RSMo
From Debt Offset Escrow Fund (0753) $30,000

SECTION 14.200. — To the Department of Health and Senior Services
For the Division of Community and Public Health

For the purpose of funding family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be paid, granted to, or expended to directly or indirectly fund procedures or administrative functions of an abortion facility or an abortion as defined in Section 188.015, RSMo, or abortion services as defined in Section 170.015, RSMo. Such services shall be available to uninsured women who are at least eighteen (18) to fifty-five (55) years of age with a family Modified Adjusted Gross Income for the household size that does not exceed two hundred and one percent (201%) of the Federal Poverty Level (FPL) and who is a legal resident of the state

From General Revenue Fund (0101) $770,736

SECTION 14.205. — To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Offices of Primary Care and Rural Health and Women's Health
Personal Service $103,416
Expense and Equipment 19,372
From Department of Health and Senior Services Federal Fund (0143) 122,788

For the purpose of funding other Office of Primary Care and Rural Health programs and related expenses

From Department of Health and Senior Services Federal Fund (0143) 56,371
Total $179,159

SECTION 14.210. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of providing consumer directed personal care assistance services at a rate not to exceed sixty percent (60%) of the average monthly Medicaid cost of nursing facility care
Expense and Equipment
From General Revenue Fund (0101) $1,500,000
From Department of Health and Senior Services Federal Fund (0143) 2,800,000
Total $4,300,000

SECTION 14.220. — To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the Time Critical Diagnosis Unit
Personal Service
From General Revenue Fund (0101) $153,546

For the purpose of expending Civil Monetary Penalty Funding on federally approved nursing facility activities and projects
Expense and Equipment
From Nursing Facility Quality of Care Fund (0271) 500,000

For the purpose of funding Medical Marijuana Program operations and support, provided that twenty-five percent (25%) flexibility is allowed between

personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between this subsection and Medical Marijuana Program information technology services and contracts
Personal Service 760,965
Expense and Equipment 1,221,911
From Missouri Veterans Health and Care Fund (0606) 1,982,876

For the purpose of funding Medical Marijuana Program information technology services and contracts, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between this subsection and Medical Marijuana Program operations and support
Personal Service 100,000
Expense and Equipment 1,079,099
From Missouri Veterans Health and Care Fund (0606) 1,179,099
Total (Not to exceed 14.75 F.T.E.) $3,815,521

SECTION 14.225. — To the Department of Social Services
For the Family Support Division
For the purpose of funding the Low-Income Home Energy Assistance Program
From Department of Social Services Federal Fund (0610) $9,500,000

SECTION 14.230. — To the Department of Social Services
For the Family Support Division
For the purpose of supporting business enterprise programs for the blind
From Department of Social Services Federal Fund (0610) $3,500,000

SECTION 14.235. — To the Department of Social Services
For the Children's Division
For the purpose of funding placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families, provided that no children enrolled in or receiving foster care services shall have any additional behavioral health services administered through a managed care entity, other than the services required pursuant to the MO HealthNet managed care contract in effect on May 1, 2018, until the Department of Social Services and the Department of Mental Health have jointly submitted a plan regarding the design of the management of additional behavioral health services for children in foster care to any interested stakeholders and the House Budget and Senate Appropriations Committees, and such plan has been approved in the respective budgets, and further provided that not more than five percent (5%) flexibility is allowed between this section and Section 14.240
From General Revenue Fund (0101) $11,276,890

SECTION 14.240. — To the Department of Social Services
For the Children's Division
For the purpose of funding Adoption and Guardianship subsidy payments and related services, provided that not more than five percent (5%) flexibility is allowed between this section and Section 14.235
From General Revenue Fund (0101) $1,485,391
From Department of Social Services Federal Fund (0610) 2,235,253
Total $3,720,644

SECTION 14.245. — To the Department of Social Services
For the Division of Youth Services
For the purpose of funding treatment services, including foster care and contractual payments
Personal Service
From General Revenue Fund (0101) $2,646,740

SECTION 14.250. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding: pharmaceutical payments under the MO HealthNet fee-for-service program, professional fees for pharmacists, professional fees implementing the CMS Covered Outpatient Therapy rule, a generic incentive adjustment of $1, a comprehensive chronic care risk management program, and clinical medication therapy services (MTS) provided by pharmacists with MTS Certificates as allowed under 338.010 RSMo, to MO HealthNet (MHD) participants, provided that not more than twenty-five percent (25%) flexibility is allowed between this subsection and Sections 14.250, 14.255, 14.260, 14.265, 14.270, 14.275, 14.280, and 14.290
From General Revenue Fund (0101) $39,581,099
From Title XIX Federal Fund (0163) 49,747,512

For the purpose of funding Medicare Part D Clawback payments, provided that not more than twenty-five percent (25%) flexibility is allowed between this subsection and Sections 14.250, 14.255, 14.260, 14.265, 14.270, 14.275, 14.280, and 14.290
From General Revenue Fund (0101) 18,927,088
Total $108,255,699

SECTION 14.255. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization, and for piloting the development of health homes for children in foster care, provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.260, 14.265, 14.270, 14.275, 14.280, and 14.290

From General Revenue Fund (0101) $42,229,045
From Title XIX Federal Fund (0163) 2,640,913
From Health Initiatives Fund (0275) 2,700,000
Total $47,569,958

SECTION 14.260. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding dental services under the MO HealthNet fee-for-service program, including adult dental procedure codes (Tier 1-6), provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.255, 14.265, 14.270, 14.275, 14.280, and 14.290
From General Revenue Fund (0101) $112,729

SECTION 14.265. — To the Department of Social Services
For the MO HealthNet Division
For funding long-term care services
For the purpose of funding care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.255, 14.260, 14.270, 14.275, 14.280, and 14.290
From General Revenue Fund (0101) $1,634,345
From Title XIX Federal Fund (0163) 3,062,454
Total $4,696,799

SECTION 14.270. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety, provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.255, 14.260, 14.265, 14.275, 14.280, and 14.290
From General Revenue Fund (0101) $14,878,545
From Title XIX Federal Fund (0163) 12,390,913
From Nursing Facility Reimbursement Allowance Fund (0196) 1,957,162
Total $29,226,620

SECTION 14.275. — To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.255, 14.260, 14.265, 14.270, 14.280, and 14.290

From General Revenue Fund (0101) $346,062
From Title XIX Federal Fund (0163) 660,357
Total $1,006,419

SECTION 14.280. — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.255, 14.260, 14.265, 14.270, 14.275, and 14.290

From General Revenue Fund (0101) $10,909,901
From Title XIX Federal Fund (0163) 65,400,784
From Federal Reimbursement Allowance Fund (0142) 57,216,413
Total $133,527,098

SECTION 14.285. — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Department of Social Services Intergovernmental Transfer Fund, to the General Revenue Fund for the purpose of providing the state match for Medicaid payments

From Department of Social Services Intergovernmental Transfer Fund (0139) $40,188,950

SECTION 14.290. — To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the

amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than twenty-five percent (25%) flexibility is allowed between this section and Sections 14.250, 14.255, 14.260, 14.265, 14.270, 14.275, and 14.280

From General Revenue Fund (0101) $2,623,005
From Title XIX Federal Fund (0163) 7,963,642
Total $10,586,647

SECTION 14.295. — To the Secretary of State

Funds are to be transferred out of the State Treasury to the Election Administration Improvements Fund

From State Election Subsidy Fund (0686) $2,200,000

SECTION 14.300. — To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law

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

SECTION 14.305. — To the State Treasurer

For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo

From General Revenue Fund (0101) $2,500,000

SECTION 14.310. — To the Supreme Court

For the purpose of funding court improvement projects and receiving grants and contributions of funds from the federal government or from any other source which may be deposited into the State Treasury for use of the Supreme Court and other state courts Program Specific Distribution

From Basic Civil Legal Services Fund (0757) $1,897,205

SECTION 14.315. — To the Supreme Court

For the purpose of making payments due from litigants in court proceedings under set-off against debts authority as provided in Sections 488.020(3), RSMo

From Circuit Courts Escrow Fund (0718) $362,737

SECTION 14.320. — To the Office of the State Public Defender

For refunds set-off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753) $500,000

SECTION 14.325. — To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Facilities Maintenance Reserve Fund

From General Revenue Fund (0101) $3,069,449

PART 2

SECTION 14.400. — To the Department of Mental Health

In reference to Sections 14.175, 14.180, and 14.185 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018.

SECTION 14.405. — To the Department of Health and Senior Services

In reference to Sections 14.210, and 14.215 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018, except providers of private duty nursing, for whom no funds shall be expended in furtherance of provider rates greater than 104.5% of the rate in effect on January 1, 2018.

SECTION 14.410. — To the Department of Social Services

In reference to Sections 14.235, 14.240, and 14.245 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2018, except providers contracted through the Department of Mental Health for developmentally disabled children, for whom no funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018.

SECTION 14.415. — To the Department of Social Services

In reference to Sections 14.255, 14.260, and 14.275 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018.

SECTION 14.420. — To the Department of Social Services

In reference to Section 14.265 of Part 1 of this act:

No funds shall be expended in furtherance of nursing facility provider rates greater than $9.59 per bed day over the rate in effect on January 1, 2018.

SECTION 14.425. — To the Department of Social Services

In reference to Section 14.270 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018, except providers of non-emergency medical transportation, for whom no funds shall be expended in furtherance of provider rates greater than 103.2% of the rate in effect on January 1, 2018; and further excepting providers of hospice care, for whom no funds shall be expended in furtherance of provider rates greater than 95% of the nursing home rate.

SECTION 14.430. — To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services

In reference to Section 14.165 through and including Section 14.290 in Part 1 of this act:

No funds shall be expended on any program that performs abortions or that counsels women to have an abortion other than the exceptions required by federal law.

SECTION 14.435. — To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services
In reference to Section 14.165 through and including Section 14.290 in Part 1 of this act:
No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

PART 3

SECTION 14.500. — To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services
In reference to Section 14.165 through and including Section 14.290 in Part 1 of this act:
No funds shall be expended to any abortion facility as defined in Section 188.015, RSMo, or any affiliate or associate thereof.

Bill Totals

General Revenue Fund	$188,647,232
Federal Funds	182,459,819
Other Funds	96,780,620
Total	$467,887,671

Approved April 17, 2019

HCS HB 17

Appropriates money for capital improvements

AN ACT to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, the unexpended balances available as of June 30, 2019, but not to exceed the amounts stated herein, as follows:

SECTION 17.005. — To the Office of Administration
For the Department of Elementary and Secondary Education
For repair and renovations to facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.135, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.005, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $578,960

SECTION 17.010. — To the Office of Administration
For a workforce development training center located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.040, an Act of the 99th General Assembly, Second Regular Session
From General Revenue Fund (0101) $500,000

SECTION 17.015. — To the Coordinating Board for Higher Education
For repair and renovations including fire safety improvements, parking lot repairs, HVAC system repair and renovations, and roof replacements at Metropolitan Community College
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.035, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.020, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $70,632

SECTION 17.020. — To the Coordinating Board for Higher Education
For repair and renovations including plumbing upgrades, roof repair, and window replacements at Moberly Area Community College
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.045, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.030, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $8,593

SECTION 17.025. — To the Coordinating Board for Higher Education
For repair and renovations including automated accessibility doors, boiler, HVAC system, and parking lot replacement at St. Charles Community College
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.060, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of

House Bill 2017, Section 17.035, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $587,962

SECTION 17.030. — To the Coordinating Board for Higher Education
For repair and renovations including updating science labs and new finishes for ceilings, floors, and walls at St. Louis Community College
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.065, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.040, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $1,245,434

SECTION 17.035. — To State Technical College of Missouri
For repair and renovations including foundation and parking lot repairs, HVAC system, and door and window replacements
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.080, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.050, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $147,195

SECTION 17.040. — To Southeast Missouri State University
For repair and renovations including accessibility and fire safety improvements, electrical, mechanical, plumbing systems, roof, and window replacements
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.090, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.060, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $2,806,983

SECTION 17.045. — To Northwest Missouri State University
For repair and renovations including electrical system repairs and window replacements
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.110, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.075, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $977,250

SECTION 17.050. — To Harris Stowe State University
For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.125, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.095, an Act of the 99th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) $1,200,481

SECTION 17.055. — To the Coordinating Board for Higher Education

For renovation and expansion of the Crisp Technology Center at Three Rivers Community College

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.055, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $2,400,000

SECTION 17.060. — To the Coordinating Board for Higher Education

For planning, design, renovation and construction at the Cassville campus of Crowder College

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.060, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $833,333

SECTION 17.065. — To State Technical College of Missouri

For planning, design, and construction of a utility technician center

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.065, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $1,500,000

SECTION 17.070. — To Missouri State University

For planning, design, and construction of the Ozarks Education Center at Bull Shoals, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.070, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $550,000

SECTION 17.075. — To Truman State University

For exterior renovation and preservation of the Greenwood School for the Inter-Professional Autism Clinic

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.075, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $316,667

SECTION 17.080. — To Harris-Stowe State University

For planning, design, renovation, and construction of laboratory space on the Harris-Stowe State University Campus

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.090, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $500,000

SECTION 17.085. — To the State Historical Society

For the planning, design, and construction of the State Historical Society building and museum located in any home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.221, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.230, an Act of the 99th General Assembly, Second Regular Session

From Missouri Development Finance Board Bond Proceeds Fund (Various) $20,614,917

SECTION 17.090. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For repair and renovations at facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.140, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.440, an Act of the 99th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) $8,521,092

SECTION 17.095. — To the Office of Administration

For repairs and renovations to the exterior of the State Capitol Building

Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.070, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.235, and Act of the 99th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) $16,718,495

SECTION 17.100. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Capitol Complex

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.020, an Act of the 99th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) $34,322,528

SECTION 17.105. — To the Office of Administration
For the Department of Agriculture
For repair and renovations at State Fair facilities
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.155, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.245, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $34,638

SECTION 17.110. — To the Department of Agriculture
For design and construction of a new restroom and campground expansion at the State Fairgrounds
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.010, an Act of the 99th General Assembly, Second Regular Session
From State Fair Fee Fund (0410) $180,000

SECTION 17.115. — To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Central region
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.191, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.270, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $20,224

SECTION 17.120. — To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Lakes region
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.196, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.275, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $1,379,988

SECTION 17.125. — To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Northeast region
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.201, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.280, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $767,169

SECTION 17.130. — To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Kansas City region
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.206, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.285, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $26,693

SECTION 17.135. — To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Southeast region
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.211, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.290, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $1,156,933

SECTION 17.140. — To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the St. Louis region
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.216, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.295, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $891,674

SECTION 17.145. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.045, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.260, an Act of the 99th General Assembly, Second Regular Session
From Department of Natural Resources Federal Fund (0140) $500,000

SECTION 17.150. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, provided the purchase does not add more than 20 acres to any existing park site, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.040, an Act of the 98th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.265, an Act of the 99th General Assembly, Second Regular Session

From State Park Earnings Fund (0415)	$81,277
From Department of Natural Resources Federal Fund (0140)	931,533
From Parks Sales Tax Fund (0613)	1,467,278
Total	$2,480,088

SECTION 17.155. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.030, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.250, an Act of the 99th General Assembly, Second Regular Session

From Department of Natural Resources Federal Fund (0140)	$500,000
From State Park Earnings Fund (0415)	3,614,392
From Parks Sales Tax Fund (0613)	1,306,480
Total	$5,420,872

SECTION 17.160. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.035, an Act of the 99th General Assembly, Second Regular Session

From State Park Earnings Fund (0415) $8,917,586
From Parks Sales Tax Fund (0613) 5,148,703
From Department of Natural Resources Federal Fund (0140) 500,000
From Historic Preservation Revolving Fund (0430) 500,000
Total $15,066,289

SECTION 17.165. — To the Department of Natural Resources
For the Division of State Parks
For renovation, repair, and maintenance and any other expenditures related to the swimming pool at Cuivre River State Park
Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.075, an Act of the 99th General Assembly, Second Regular Session

From State Park Earnings Fund (0415) $500,000

SECTION 17.170. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.015, an Act of the 99th General Assembly, Second Regular Session

From State Park Earnings Fund (0415) $1,196,600
From Department of Natural Resources Federal Fund (0140) 500,000
Total $1,696,600

SECTION 17.175. — To the Department of Natural Resources
For surface water improvements and construction of a water reservoir in a county of the third classification with a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than three hundred but fewer than four hundred inhabitants as the county seat
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.045, an Act of the 99th General Assembly, Second Regular Session

From General Revenue Fund (0101) $2,000,000

SECTION 17.180. — To the Department of Natural Resources
For the Division of State Parks

For an engineering and hydrology study at Big Oak Tree State Park
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.050, an Act of the 99th General Assembly, Second Regular Session
From State Park Earnings Fund (0415) $150,000

SECTION 17.185. — To the Office of Administration
For the Department of Conservation
For stream access development; lake site development; financial assistance to other public agencies or in partnership with other public agencies; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land
Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.040, an Act of the 99th General Assembly, Second Regular Session
From Conservation Commission Fund (0609) $10,325,000

SECTION 17.190. — To the Department of Conservation
For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.020, an Act of the 99th General Assembly, Second Regular Session
From Conservation Commission Fund (0609) $13,315,000

SECTION 17.195. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For maintenance, repairs and replacements, and improvements at state facilities
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.025, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.155, an Act of the 99th General Assembly, Second Regular Session
From Special Employment Security Fund (0949) $20,390

SECTION 17.200. — To the Office of Administration
For the Department of Labor and Industrial Relations
For critical repairs, replacements, and improvements at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.035, an Act of the 99th General Assembly, First

Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.310, an Act of the 99th General Assembly, Second Regular Session

From Workers' Compensation Fund (0652) $200,000
From Special Employment Security Fund (0949) 400,000
Total $600,000

SECTION 17.205. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.055, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.315, an Act of the 99th General Assembly, Second Regular Session

From State Highways and Transportation Department Fund (0644) $917,924

SECTION 17.210. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.050, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill 2017, Section 17.325, an Act of the 99th General Assembly, Second Regular Session

From State Highways and Transportation Department Fund (0644) $277,201

SECTION 17.215. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.040, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.330, an Act of the 99th General Assembly, Second Regular Session

From State Highways and Transportation Department Fund (0644) $566,923

SECTION 17.220. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.045, an Act of the 99th General Assembly, Second Regular Session

From State Highways and Transportation Department Fund (0644) $3,712,652

SECTION 17.225. — To the Office of Administration
For the Missouri State Highway Patrol
For planning, design and construction at the General Headquarters
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.025, an Act of the 99th General Assembly, Second Regular Session
From General Revenue Fund (0101) $679,207
From State Highways and Transportation Department Fund (0644) 2,377,224
From Gaming Commission Fund (0286) 339,603
From DNA Profiling Analysis Fund (0772) 2,721,190
Total $6,117,224

SECTION 17.230. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at state veterans' homes
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.040, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.335, an Act of the 99th General Assembly, Second Regular Session
From Missouri Veterans Commission Federal Fund (0184) $4,205,157
From Veterans Commission Capital Improvement Trust Fund (0304) 5,295,866
Total $9,501,023

SECTION 17.235. — To the Office of Administration
For the Department of Public Safety
For design and construction of a storage building at the St. Louis Veterans' Home
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.035, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.340, an Act of the 99th General Assembly, Second Regular Session
From Missouri Veterans Commission Federal Fund (0184) $729,872
From Veterans Commission Capital Improvement Trust Fund (0304) 843,154
Total $1,573,026

SECTION 17.240. — To the Office of Administration
For the Department of Public Safety
For repair and renovations to state veterans' homes
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.160, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.355, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (0307) $1,425,315

SECTION 17.245. — To the Office of Administration
For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes and state veterans' cemeteries
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.045, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.360, an Act of the 99th General Assembly, Second Regular Session
From Veterans Commission Capital Improvement Trust Fund (0304) $32,103,951

SECTION 17.250. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at state veterans' homes
Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.050, an Act of the 99th General Assembly, Second Regular Session
From Veterans Commission Capital Improvement Trust Fund (0304) $5,135,739

SECTION 17.255. — To the Office of Administration
For the Adjutant General Missouri National Guard
For statewide maintenance and repair at National Guard facilities
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.065, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.375, an Act of the 99th General Assembly, Second Regular Session
From Adjutant General Federal Fund (0190) $766,562

SECTION 17.260. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For statewide maintenance and repair at National Guard facilities
Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.065, an Act of the 98th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.380, an Act of the 99th General Assembly, Second Regular Session
From Adjutant General Federal Fund (0190) $10,669,563

SECTION 17.265. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For maintenance and repair at National Guard facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.050, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.320, an Act of the 99th General Assembly, Second Regular Session
From Adjutant General Federal Fund (0190) $10,000,000

SECTION 17.270. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of National Guard facilities statewide, an addition to the aircraft maintenance facility at AVCRAD Base in Springfield, and the renovation of a Department of Transportation building for Missouri National Guard troop additions
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.030, an Act of the 99th General Assembly, Second Regular Session
From General Revenue Fund (0101) $94,750
From Adjutant General Federal Fund (0190) 17,948,300
Total $18,043,050

SECTION 17.275. — To the Office of Administration
For the Department of Corrections
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.165, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.390, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $1,374,235

SECTION 17.280. — To the Office of Administration
For planning and design for the replacement of the Fulton State Hospital
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.009, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.395, an Act of the 99th General Assembly, Second Regular Session
From General Revenue Fund (0101) $104,728

SECTION 17.285. — To the Office of Administration
For the completion of design and construction to replace Fulton State Hospital
Representing expenditures originally authorized under the provisions of House Bill 2005, Section 5.197, an Act of the 97th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.400, an Act of the 99th General Assembly, Second Regular Session
From Fulton State Hospital Bond Proceeds Fund (Various) $31,311,262

SECTION 17.290. — To the Office of Administration
For the Department of Mental Health
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.170, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House

Bill 2017, Section 17.405, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $1,700,610

SECTION 17.295. — To the Office of Administration
For the Department of Mental Health
For completion of construction of the Fulton State Mental Hospital and demolition of the Biggs facility
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.035, an Act of the 99th General Assembly, Second Regular Session
From Fulton State Hospital Bond Proceeds Fund (Various) $1,200,000

SECTION 17.300. — To the Office of Administration
For the Department of Social Services
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.175, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.435, an Act of the 99th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) $296,332

SECTION 17.305. — To the Office of Administration
For the Department of Social Services
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.065, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.420, an Act of the 99th General Assembly, Second Regular Session
From Department of Social Services Federal Fund (0610) $90,206

Bill Totals
General Revenue Fund $9,478,685
Federal Funds 47,341,193
Other Funds 230,999,728
Total $287,816,606

Approved June 10, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

HCS HB 18

Appropriates money for capital improvements

AN ACT to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and land improvements; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 18.005. — To the Office of Administration
For the Department of Elementary and Secondary Education
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund (0124) $5,334,997

SECTION 18.010. — To the Office of Administration
For the State Lottery Commission
For repairs, replacements, and improvements at the Missouri Lottery Commission Headquarters
From Lottery Enterprise Fund (0657) $742,747

SECTION 18.015. — Funds are to be transferred out of the State Treasury to the Facilities Maintenance Reserve Fund
From General Revenue Fund (0101) $86,220,625

SECTION 18.020. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For emergency requirements, unprogrammed requirements, appraisals and surveys, assessment, abatement, removal remediation, and management of hazardous materials and pollutants, energy conservation, and project administration requirements for facilities statewide
From Facilities Maintenance Reserve Fund (0124) $45,096,201

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Capitol Complex

From Facilities Maintenance Reserve Fund (0124) 3,528,593
Total $48,624,794

SECTION 18.025. — To the Office of Administration
For the Department of Agriculture
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund (0124) $8,673,931

SECTION 18.030. — To the Office of Administration
For the Department of Natural Resources
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund (0124) $1,186,416

SECTION 18.035. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
From Department of Natural Resources Federal (0140) $500,000
From State Park Earnings Fund (0415) 6,250,000
From Historic Preservation Revolving Fund (0430) $500,000
From State Park Sales Tax Fund (0613) 3,000,000
Total $10,250,000

SECTION 18.040. — To the Office of Administration
For the Department of Conservation
For stream access development; lake site development; financial assistance to other public agencies or in partnership with other public agencies; major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land
From Conservation Commission Fund (0609) $32,375,000

SECTION 18.045. — To the Office of Administration
For the Department of Labor and Industrial Relations
For repairs, replacements, and improvements at facilities statewide
From Workers' Compensation Fund (0652) $200,000
From Special Employment Security Fund (0949) 400,000
Total $600,000

SECTION 18.050. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide
From State Highways and Transportation Department Fund (0644) $3,913,511

SECTION 18.055. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at state veterans' homes
From Veterans Commission Capital Improvement Trust Fund (0304) $16,793,512

SECTION 18.060. — To the Office of Administration
For the Adjutant General Missouri National Guard
For maintenance and repair at National Guard facilities statewide
From Facilities Maintenance Reserve Fund (0124) $8,775,507
From Adjutant General Federal Fund (0190) 12,000,000
Total $20,775,507

SECTION 18.065. — To the Office of Administration
For the Department of Corrections
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund (0124) $31,317,865

SECTION 18.070. — To the Office of Administration
For the Department of Mental Health
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund (0124) $24,537,499

SECTION 18.075. — To the Office of Administration
For the Department of Social Services
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund (0124) $5,658,786
From Department of Social Services Federal Fund (0610) 200,000
Total $5,858,786

SECTION 18.080. — To the Department of Transportation
For the Waterways Program
For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts
From General Revenue Fund (0101) $3,000,000

Bill Totals

General Revenue Fund	$89,220,625
Federal Funds	12,700,000
Other Funds	64,174,770
Total	$166,095,395

Approved June 10, 2019

HCS HB 19

Appropriates money for capital improvements

AN ACT to appropriate money for the several departments and offices of state government and the several divisions and programs thereof for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2019, and ending June 30, 2020.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2019, and ending June 30, 2020, as follows:

SECTION 19.005. — To the Office of Administration
For the Department of Elementary and Secondary Education
For planning, design, repairs, replacements, improvements, and renovations to the Missouri School for the Blind
From School for the Blind Trust Fund (0920) $2,500,000

SECTION 19.010. — To the Office of Administration
For the Department of Agriculture
For construction of a new campground at the State Fairgrounds
From General Revenue Fund (0101) $1,561,141

SECTION 19.020. — To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

From Department of Natural Resources Federal Fund (0140) $500,000
From State Park Earnings Fund (0415) 750,000
Total $1,250,000

SECTION 19.025. — To the Department of Conservation
For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land
From Conservation Commission Fund (0609) $18,205,000

SECTION 19.030. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of National Guard facilities statewide
From Adjutant General Federal Fund (0190) $20,000,000

SECTION 19.035. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of an addition to the aircraft maintenance facility at AVCRAD Base in Springfield and design and construction of a readiness center and maintenance hangar at AVCRAD Base in Springfield
From Adjutant General Federal Fund (0190) $118,000,000

SECTION 19.040. — To the Office of Administration
For the Department of Public Safety
For construction of a new columbarium wall and adjacent roadway at Bloomfield Veterans Cemetery
From Veterans Commission Capital Improvement Trust Fund (0304) $3,173,711

SECTION 19.045. — To the Office of Administration
For the Department of Corrections
For construction of a secure fence at Western Missouri Correctional Center
From General Revenue Fund (0101) $3,000,000

SECTION 19.050. — To the Lieutenant Governor
For a library and museum, located in a home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, which promotes awareness of presidents from Missouri
From General Revenue Fund (0101) $2,000,000

SECTION 19.070. — To the Department of Agriculture
For a pavilion at the Missouri State Fair
From General Revenue Fund (0101) $750,000

SECTION 19.095. — To the Department of Higher Education
For Harris-Stowe State University
For design and construction of a STEM laboratory
From General Revenue Fund (0101) $500,000

SECTION 19.105. — To the Coordinating Board of Higher Education
For the planning, design, and construction of the Republic Campus of the Ozarks Technical Community College, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
From General Revenue Fund (0101) $1,250,000

SECTION 19.110. — To Northwest Missouri State University
For the planning, design, and construction of an agricultural learning center on the Northwest Missouri State University Campus
From General Revenue Fund (0101) $2,500,000

SECTION 19.115. — To Truman State University
For renovation and preservation of the Greenwood School for the Inter-Professional Autism Clinic
From General Revenue Fund (0101) $1,150,000

SECTION 19.120. — To Southeast Missouri State University
For underground infrastructure improvements on the Southeast Missouri State University Campus
From General Revenue Fund (0101) $500,000

SECTION 19.125. — To the Office of Administration
For a mobile flood wall in a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than five thousand but fewer than six thousand inhabitants as the county seat
From General Revenue Fund (0101) $2,000,000

SECTION 19.130. — To the Department of Natural Resources
For side channel and bank improvements near an island located in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants
From General Revenue Fund (0101) $1,000,000

SECTION 19.135. — To the Department of Natural Resources
For the Division of State Parks
For improvements at Roaring River State Park
From General Revenue Fund (0101) $100,000

Bill Totals

General Revenue Fund	$16,311,141
Federal Funds	138,500,000
Other Funds	24,628,711
Total	$179,439,852

Approved June 10, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

HB 77

Enacts provisions relating to the public school retirement system, with an emergency clause.

AN ACT to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system, with an emergency clause.

SECTION

A. Enacting clause.

169.560 Retirees may be employed, when — salary amount, effect on benefits, exception.

B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. RETIREES MAY BE EMPLOYED, WHEN — SALARY AMOUNT, EFFECT ON BENEFITS, EXCEPTION. — 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn up to sixty percent of the minimum teacher's salary as set forth in section 163.172, without a discontinuance of the person's retirement allowance. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. **The provisions of this subsection shall not apply to any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141 employed by a public community college.**

SECTION B. EMERGENCY CLAUSE. — Because of the importance of retired members of the public school retirement system in providing course instruction at public community colleges, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved April 16, 2019

SS SCS HB 126

Enacts provisions relating to abortion, with penalty provisions, a contingent effective date for a certain section, and an emergency clause for a certain section.

AN ACT to repeal sections 135.630, 188.010, 188.015, 188.027, 188.028, 188.043, and 188.052, RSMo, and to enact in lieu thereof seventeen new sections relating to abortion, with penalty provisions, a contingent effective date for a certain section, and an emergency clause for a certain section.

SECTION

A. Enacting clause.

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

SECTION A. ENACTING CLAUSE. — Sections 135.630, 188.010, 188.015, 188.027, 188.028, 188.043, and 188.052, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 135.630, 188.010, 188.015, 188.017, 188.018, 188.026, 188.027, 188.028, 188.033, 188.038, 188.043, 188.044, 188.052, 188.056, 188.057, 188.058, and 188.375, to read as follows:

135.630. TAX CREDIT FOR CONTRIBUTIONS TO PREGNANCY RESOURCE CENTERS, DEFINITIONS — AMOUNT — LIMITATIONS — DETERMINATION OF QUALIFYING CENTERS — CUMULATIVE AMOUNT OF CREDITS — APPORTIONMENT PROCEDURE, REAPPORTIONMENT OF CREDITS — IDENTITY OF CONTRIBUTORS PROVIDED TO DIRECTOR, CONFIDENTIALITY — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(a) Established and operating primarily to provide assistance to women **and families** with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services **or by offering services as described under subsection 2 of section 188.325,** to encourage and assist such women **and families** in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, **and ending on or before December 31, 2020,** a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center. **For all tax years beginning on or after January 1, 2021, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to seventy percent of the amount such taxpayer contributed to a pregnancy resource center.**

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next succeeding tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's

contribution or contributions to a pregnancy resource center or centers in such taxpayer's tax year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019**, and ending on or before June 30, 2021. For all fiscal years beginning on or after July 1, 2021, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers contributing to pregnancy resource centers under the provisions of this section**. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.

7. **For all fiscal years ending on or before June 30, 2021,** the director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. **[**~~Under section 23.253 of the Missouri sunset act:~~

~~(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2018, unless reauthorized by an act of the general assembly;~~

~~(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;~~

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and~~

~~(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.~~**] The provisions of section 23.253 shall not apply to this section.**

188.010. INTENT OF GENERAL ASSEMBLY. — In recognition that Almighty God is the author of life, that all men and women are "endowed by their Creator with certain unalienable Rights, that among these are Life", and that article I, section 2 of the Constitution of Missouri provides that all persons have a natural right to life, it is the intention of the general assembly of the state of Missouri to **[**~~grant~~**]**:

(1) Defend the right to life **[**~~to~~**] of** all humans, born and unborn**[**~~, and to~~**]**;

(2) Declare that the state and all of its political subdivisions are a "sanctuary of life" that protects pregnant women and their unborn children; and

(3) Regulate abortion to the full extent permitted by the Constitution of the United States, decisions of the United States Supreme Court, and federal statutes.

188.015. DEFINITIONS. — As used in this chapter, the following terms mean:

(1) "Abortion":

(a) The act of using or prescribing any instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother's womb; or

(b) The intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead **[**~~or dying~~**]** unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Department", the department of health and senior services;

(5) **"Down Syndrome", the same meaning as defined in section 191.923;**

(6) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

[~~(6)~~**] (7)** "Medical emergency", a condition which, based on reasonable medical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman;

[~~(7)~~**] (8)** "Physician", any person licensed to practice medicine in this state by the state board of registration for the healing arts;

[~~(8)~~**] (9)** "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

[~~(9)~~**] (10)** "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[~~(10)~~**] (11)** "Viability" or "viable", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems**;**

(12) "Viable pregnancy" or "viable intrauterine pregnancy", in the first trimester of pregnancy, an intrauterine pregnancy that can potentially result in a liveborn baby.

188.017. RIGHT TO LIFE OF THE UNBORN CHILD ACT — LIMITATION ON ABORTIONS, WHEN — AFFIRMATIVE DEFENSE — CONTINGENT EFFECTIVE DATE. — 1. This section shall be known and may be cited as the "Right to Life of the Unborn Child Act".

2. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman, except in cases of medical emergency. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

3. It shall be an affirmative defense for any person alleged to have violated the provisions of subsection 2 of this section that the person performed or induced an abortion because of a medical emergency. The defendant shall have the burden of persuasion that the defense is more probably true than not.

188.018. SEVERABILITY CLAUSE. — If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of this chapter or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the balance of this chapter shall remain effective notwithstanding such unenforceability, unconstitutionality, or invalidity. The general assembly hereby declares that it would have passed each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of this chapter, or the application of this chapter to any person, circumstance, or period of gestational age, would be declared unenforceable, unconstitutional, or invalid.

188.026. MISSOURI STANDS FOR THE UNBORN ACT — FINDINGS OF GENERAL ASSEMBLY — INTERESTS OF THE STATE OF MISSOURI. — 1. This section and sections 188.056, 188.057, and 188.058 shall be known and may be cited as the "Missouri Stands for the Unborn Act".

2. In Roe v. Wade, 410 U.S. 113 (1973), certain information about the development of the unborn child, human pregnancy, and the effects of abortion was either not part of the record or was not available at the time. Since 1973, advances in medical and scientific technology have greatly expanded our knowledge of prenatal life and the effects of abortion on women. The general assembly of this state finds:

(1) At conception, a new genetically distinct human being is formed;

(2) The fact that the life of an individual human being begins at conception has long been recognized in Missouri law: "[T]he child is, in truth, alive from the moment of conception". State v. Emerich, 13 Mo. App. 492, 495 (1883), affirmed, 87 Mo. 110 (1885). Under section 1.205, the general assembly has recognized that the life of each human being begins at

conception and that unborn children have protectable interests in life, health, and well-being;

(3) The first prohibition of abortion in Missouri was enacted in 1825. Since then, the repeal and reenactment of prohibitions of abortion have made distinctions with respect to penalties for performing or inducing abortion on the basis of "quickening"; however, the unborn child was still protected from conception onward;

(4) In ruling that Missouri's prohibition on abortion was constitutional in 1972, the Missouri supreme court accepted as a stipulation of the parties that "'[i]nfant Doe, Intervenor Defendant in this case, and all other unborn children have all the qualities and attributes of adult human persons differing only in age or maturity. Medically, human life is a continuum from conception to death.'" Rodgers v. Danforth, 486 S.W.2d 258, 259 (1972);

(5) In Webster v. Reproductive Health Services, 492 U.S. 490 (1989), the Supreme Court, while considering the "preamble" that set forth "findings" in section 1.205, stated: "We think the extent to which the preamble's language might be used to interpret other state statutes or regulations is something that only the courts of Missouri can definitively decide. State law has offered protections to unborn children in tort and probate law". Id. at 506. Since Webster, Missouri courts have construed section 1.205 and have consistently found that an unborn child is a person for purposes of Missouri's homicide and assault laws when the unborn child's mother was killed or assaulted by another person. Section 1.205 has even been found applicable to the manslaughter of an unborn child who was eight weeks gestational age or earlier. State v. Harrison, 390 S.W.3d 927 (Mo. Ct. App. 2013);

(6) In medicine, a special emphasis is placed on the heartbeat. The heartbeat is a discernible sign of life at every stage of human existence. During the fifth week of gestational age, an unborn child's heart begins to beat and blood flow begins during the sixth week;

(7) Depending on the ultrasound equipment being used, the unborn child's heartbeat can be visually detected as early as six to eight weeks gestational age. By about twelve weeks gestational age, the unborn child's heartbeat can consistently be made audible through the use of a handheld Doppler fetal heart rate device;

(8) Confirmation of a pregnancy can be indicated through the detection of the unborn child's heartbeat, while the absence of a heartbeat can be an indicator of the death of the unborn child if the child has reached the point of development when a heartbeat should be detectable;

(9) Heart rate monitoring during pregnancy and labor is utilized to measure the heart rate and rhythm of the unborn child, at an average rate between one hundred ten and one hundred sixty beats per minute, and helps determine the health of the unborn child;

(10) The Supreme Court in Roe discussed "the difficult question of when life begins" and wrote: "[p]hysicians and their scientific colleagues have regarded [quickening] with less interest and have tended to focus either upon conception, upon live birth, or upon the interim point at which the fetus becomes 'viable', that is, potentially able to live outside the mother's womb, albeit with artificial aid". Roe, 410 U.S. at 160. Today, however, physicians' and scientists' interests on life in the womb also focus on other markers of development in the unborn child, including, but not limited to, presence of a heartbeat, brain development, a viable pregnancy or viable intrauterine pregnancy during the first trimester of pregnancy, and the ability to experience pain;

(11) In Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52 (1976), the Supreme Court noted that "we recognized in Roe that viability was a matter of medical

judgment, skill, and technical ability, and we preserved the flexibility of the term". Id. at 64. Due to advances in medical technology and diagnoses, present-day physicians and scientists now describe the viability of an unborn child in an additional manner, by determining whether there is a viable pregnancy or viable intrauterine pregnancy during the first trimester of pregnancy;

(12) While the overall risk of miscarriage after clinical recognition of pregnancy is twelve to fifteen percent, the incidence decreases significantly if cardiac activity in the unborn child has been confirmed. The detection of a heartbeat in an unborn child is a reliable indicator of a viable pregnancy and that the unborn child will likely survive to birth, especially if presenting for a prenatal visit at eight weeks gestational age or later. For asymptomatic women attending a first prenatal visit between six and eleven weeks gestational age where a heartbeat was confirmed through an ultrasound, the subsequent risk of miscarriage is one and six-tenths percent. Although the risk is higher at six weeks gestational age at nine and four-tenths percent, it declines rapidly to one and five-tenths percent at eight weeks gestational age, and less than one percent at nine weeks gestational age or later;

(13) The presence of a heartbeat in an unborn child represents a more definable point of ascertaining survivability than the ambiguous concept of viability that has been adopted by the Supreme Court, especially since if a heartbeat is detected at eight weeks gestational age or later in a normal pregnancy, there is likely to be a viable pregnancy and there is a high probability that the unborn child will survive to birth;

(14) The placenta begins developing during the early first trimester of pregnancy and performs a respiratory function by making oxygen supply to and carbon dioxide removal from the unborn child possible later in the first trimester and throughout the second and third trimesters of pregnancy;

(15) By the fifth week of gestation, the development of the brain of the unborn child is underway. Brain waves have been measured and recorded as early as the eighth week of gestational age in children who were removed during an ectopic pregnancy or hysterectomy. Fetal magnetic resonance imaging (MRI) of an unborn child's brain is used during the second and third trimesters of pregnancy and brain activity has been observed using MRI;

(16) Missouri law identifies the presence of circulation, respiration, and brain function as indicia of life under section 194.005, as the presence of circulation, respiration, and brain function indicates that such person is not legally dead, but is legally alive;

(17) Unborn children at eight weeks gestational age show spontaneous movements, such as a twitching of the trunk and developing limbs. It has been reported that unborn children at this stage show reflex responses to touch. The perioral area is the first part of the unborn child's body to respond to touch at about eight weeks gestational age and by fourteen weeks gestational age most of the unborn child's body is responsive to touch;

(18) Peripheral cutaneous sensory receptors, the receptors that feel pain, develop early in the unborn child. They appear in the perioral cutaneous area at around seven to eight weeks gestational age, in the palmar regions at ten to ten and a half weeks gestational age, the abdominal wall at fifteen weeks gestational age, and over all of the unborn child's body at sixteen weeks gestational age;

(19) Substance P, a peptide that functions as a neurotransmitter, especially in the transmission of pain, is present in the dorsal horn of the spinal cord of the unborn child at eight to ten weeks gestational age. Enkephalins, peptides that play a role in neurotransmission and pain modulation, are present in the dorsal horn at twelve to fourteen weeks gestational age;

(20) When intrauterine needling is performed on an unborn child at sixteen weeks gestational age or later, the reaction to this invasive stimulus is blood flow redistribution to the brain. Increased blood flow to the brain is the same type of stress response seen in a born child and an adult;

(21) By sixteen weeks gestational age, pain transmission from a peripheral receptor to the cortex is possible in the unborn child;

(22) Physicians provide anesthesia during in utero treatment of unborn children as early as sixteen weeks gestational age for certain procedures, including those to correct fetal urinary tract obstruction. Anesthesia is administered by ultrasound-guided injection into the arm or leg of the unborn child;

(23) A leading textbook on prenatal development of the human brain states, "It may be concluded that, although nociperception (the actual perception of pain) awaits the appearance of consciousness, nociception (the experience of pain) is present some time before birth. In the absence of disproof, it is merely prudent to assume that pain can be experienced even early in prenatal life (Dr. J. Wisser, Zürich): the fetus should be given the benefit of the doubt". Ronan O'Rahilly & Fabiola Müller. The Embryonic Human Brain: An Atlas of Developmental Stages (3d ed. 2005);

(24) By fourteen or fifteen weeks gestational age or later, the predominant abortion method in Missouri is dilation and evacuation (D & E). The D & E abortion method includes the dismemberment, disarticulation, and exsanguination of the unborn child, causing the unborn child's death;

(25) The Supreme Court acknowledged in Gonzales v. Carhart, 550 U.S. 124, 160 (2007), that "the standard D & E is in some respects as brutal, if not more, than the intact D & E" partial birth abortion method banned by Congress and upheld as facially constitutional by the Supreme Court, even though the federal ban was applicable both before and after viability and had no exception for the health of the mother;

(26) Missouri's ban on the partial birth abortion method, section 565.300, is in effect because of Gonzales v. Carhart and the Supreme Court's subsequent decision in Nixon v. Reproductive Health Services of Planned Parenthood of the St. Louis Region, Inc., 550 U.S. 901 (2007), to vacate and remand to the appellate court the prior invalidation of section 565.300. Since section 565.300, like Congress' ban on partial birth abortion, is applicable both before and after viability, there is ample precedent for the general assembly to constitutionally prohibit the brutal D & E abortion method at fourteen weeks gestational age or later, even before the unborn child is viable, with a medical emergency exception;

(27) In Roper v. Simmons, 543 U.S. 551 (2005), the Supreme Court determined that "evolving standards of decency" dictated that a Missouri statute allowing the death penalty for a conviction of murder in the first degree for a person under eighteen years of age when the crime was committed was unconstitutional under the Eighth and Fourteenth Amendments to the United States Constitution because it violated the prohibition against "cruel and unusual punishments";

(28) In Bucklew v. Precythe, 139 S. Ct. 1112, 1123 (2019), the Supreme Court noted that "'[d]isgusting' practices" like disemboweling and quartering "readily qualified as 'cruel and unusual', as a reader at the time of the Eighth Amendment's adoption would have understood those words";

(29) Evolving standards of decency dictate that Missouri should prohibit the brutal and painful D & E abortion method at fourteen weeks gestational age or later, with a medical emergency exception, because if a comparable method of killing was used on:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(a) A person convicted of murder in the first degree, it would be cruel and unusual punishment; or

(b) An animal, it would be unlawful under state law because it would not be a humane method, humane euthanasia, or humane killing of certain animals under chapters 273 and 578;

(30) In Roper, the Supreme Court also found that "[i]t is proper that we acknowledge the overwhelming weight of international opinion against the juvenile death penalty.... The opinion of the world community, while not controlling our outcome, does provide respected and significant confirmation for our own conclusions". Roper, 543 U.S. at 578. In its opinion, the Supreme Court was instructed by "international covenants prohibiting the juvenile death penalty", such as the International Covenant on Civil and Political Rights, 999 U.N.T.S. 171. Id. at 577;

(31) The opinion of the world community, reflected in the laws of the United Nation's 193-member states and six other entities, is that in most countries, most abortions are prohibited after twelve weeks gestational age or later;

(32) The opinion of the world community is also shared by most Americans, who believe that most abortions in the second and third trimesters of pregnancy should be illegal, based on polling that has remained consistent since 1996;

(33) Abortion procedures performed later in pregnancy have a higher medical risk for women. Compared to an abortion at eight weeks gestational age or earlier, the relative risk increases exponentially at later gestational ages. The relative risk of death for a pregnant woman who had an abortion performed or induced upon her at:

(a) Eleven to twelve weeks gestational age is between three and four times higher than an abortion at eight weeks gestational age or earlier;

(b) Thirteen to fifteen weeks gestational age is almost fifteen times higher than an abortion at eight weeks gestational age or earlier;

(c) Sixteen to twenty weeks gestational age is almost thirty times higher than an abortion at eight weeks gestational age or earlier; and

(d) Twenty-one weeks gestational age or later is more than seventy-five times higher than an abortion at eight weeks gestational age or earlier;

(34) In addition to the short-term risks of an abortion, studies have found that the long-term physical and psychological consequences of abortion for women include, but are not limited to, an increased risk of preterm birth, low birthweight babies, and placenta previa in subsequent pregnancies, as well as serious behavioral health issues. These risks increase as abortions are performed or induced at later gestational ages. These consequences of an abortion have a detrimental effect not only on women, their children, and their families, but also on an already burdened health care system, taxpayers, and the workforce;

(35) A large percentage of women who have an abortion performed or induced upon them in Missouri each year are at less than eight weeks gestational age, a large majority are at less than fourteen weeks gestational age, a larger majority are at less than eighteen weeks gestational age, and an even larger majority are at less than twenty weeks gestational age. A prohibition on performing or inducing an abortion at eight weeks gestational age or later, with a medical emergency exception, does not amount to a substantial obstacle to a large fraction of women for whom the prohibition is relevant, which is pregnant women in Missouri who are seeking an abortion while not experiencing a medical emergency. The burden that a prohibition on performing or inducing an abortion at eight, fourteen, eighteen,

or twenty weeks gestational age or later, with a medical emergency exception, might impose on abortion access, is outweighed by the benefits conferred upon the following:

(a) Women more advanced in pregnancy who are at greater risk of harm from abortion;

(b) Unborn children at later stages of development;

(c) The medical profession, by preserving its integrity and fulfilling its commitment to do no harm; and

(d) Society, by fostering respect for human life, born and unborn, at all stages of development, and by lessening societal tolerance of violence against innocent human life;

(36) In Webster, the Supreme Court noted, in upholding a Missouri statute, "that there may be a 4-week error in estimating gestational age". Webster, 492 U.S. at 516. Thus, an unborn child thought to be eight weeks gestational age might in fact be twelve weeks gestational age, when an abortion poses a greater risk to the woman and the unborn child is considerably more developed. An unborn child at fourteen weeks gestational age might be eighteen weeks gestational age and an unborn child at eighteen weeks gestational age might be twenty-two weeks gestational age, when an abortion poses a greater risk to the woman, the unborn child is considerably more developed, the abortion method likely to be employed is more brutal, and the risk of pain experienced by the unborn child is greater. An unborn child at twenty weeks gestational age might be twenty-four weeks gestational age, when an abortion poses a greater risk to the woman, the unborn child is considerably more developed, the abortion method likely to be employed is more brutal, the risk of pain experienced by the unborn child is greater, and the unborn child may be viable.

3. The state of Missouri is bound by Article VI, Clause 2 of the Constitution of the United States that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land". One such treaty is the International Covenant on Civil and Political Rights, entered into force on March 23, 1976, and adopted by the United States on September 8, 1992. In ratifying the Covenant, the United States declared that while the provisions of Articles 1 through 27 of the Covenant are not self-executing, the United States' understanding is that state governments share responsibility with the federal government in implementing the Covenant.

4. Article 6, Paragraph 1, U.N.T.S. at 174, of the International Covenant on Civil and Political Rights states, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". The state of Missouri takes seriously its obligation to comply with the Covenant and to implement this paragraph as it relates to the inherent right to life of unborn human beings, protecting the rights of unborn human beings by law, and ensuring that such unborn human beings are not arbitrarily deprived of life. The state of Missouri hereby implements Article 6, Paragraph 1 of the Covenant by the regulation of abortion in this state.

5. The state of Missouri has interests that include, but are not limited to:

(1) Protecting unborn children throughout pregnancy and preserving and promoting their lives from conception to birth;

(2) Encouraging childbirth over abortion;

(3) Ensuring respect for all human life from conception to natural death;

(4) Safeguarding an unborn child from the serious harm of pain by an abortion method that would cause the unborn child to experience pain while she or he is being killed;

(5) Preserving the integrity of the medical profession and regulating and restricting practices that might cause the medical profession or society as a whole to become insensitive, even disdainful, to life. This includes regulating and restricting abortion methods that are

not only brutal and painful, but if allowed to continue, will further coarsen society to the humanity of not only unborn children, but all vulnerable and innocent human life, making it increasingly difficult to protect such life;

(6) Ending the incongruities in state law by permitting some unborn children to be killed by abortion, while requiring that unborn children be protected in non-abortion circumstances through, including, but not limited to, homicide, assault, self-defense, and defense of another statutes; laws guaranteeing prenatal health care, emergency care, and testing; state-sponsored health insurance for unborn children; the prohibition of restraints in correctional institutions to protect pregnant offenders and their unborn children; and protecting the interests of unborn children by the appointment of conservators, guardians, and representatives;

(7) Reducing the risks of harm to pregnant women who obtain abortions later in pregnancy; and

(8) Avoiding burdens on the health care system, taxpayers, and the workforce because of increased preterm births, low birthweight babies, compromised pregnancies, extended postpartum recoveries, and behavioral health problems caused by the long-term effects of abortions performed or induced later in the pregnancy.

188.027. CONSENT, VOLUNTARY AND INFORMED, REQUIRED — PROCEDURE, CONTENTS — INFORMATION TO BE PRESENTED IN PERSON — ALLEVIATION OF PAIN, REQUIREMENTS — INFORMATION ON RISKS — MEDICAL EMERGENCY, PROCEDURE — PAYMENT PROHIBITED, WHEN — WRITTEN MATERIALS REQUIRED, WHEN — EMERGENCY RULES AUTHORIZED — WAITING PERIOD RESTRAINED OR ENJOINED, EFFECT OF. — 1. Except in **[**~~the case~~**] cases** of medical emergency, no abortion shall be performed or induced on a woman without her voluntary and informed consent, given freely and without coercion. Consent to an abortion is voluntary and informed and given freely and without coercion if, and only if, at least seventy-two hours prior to the abortion:

(1) The physician who is to perform or induce the abortion, a qualified professional, or the referring physician has informed the woman orally, reduced to writing, and in person, of the following:

(a) The name of the physician who will perform or induce the abortion;

(b) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including:

a. A description of the proposed abortion method;

b. The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and

c. The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child's gestational age, and the woman's medical history and medical condition;

(c) Alternatives to the abortion which shall include making the woman aware that information and materials shall be provided to her detailing such alternatives to the abortion;

(d) A statement that the physician performing or inducing the abortion is available for any questions concerning the abortion, together with the telephone number that the physician may be later reached to answer any questions that the woman may have;

(e) The location of the hospital that offers obstetrical or gynecological care located within thirty miles of the location where the abortion is performed or induced and at which the physician performing or inducing the abortion has clinical privileges and where the woman may receive follow-up care by the physician if complications arise;

(f) The gestational age of the unborn child at the time the abortion is to be performed or induced; and

(g) The anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed or induced;

(2) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department, which describe the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from conception to full term, including color photographs or images of the developing unborn child at two-week gestational increments. Such descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development and information on when the unborn child is viable. The printed materials shall prominently display the following statement: "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being.";

(3) The physician who is to perform or induce the abortion, a qualified professional, or the referring physician has presented the woman, in person, printed materials provided by the department, which describe the various surgical and drug-induced methods of abortion relevant to the stage of pregnancy, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and the possible adverse psychological effects associated with an abortion;

(4) The physician who is to perform or induce the abortion or a qualified professional shall provide the woman with the opportunity to view at least seventy-two hours prior to the abortion an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The woman shall be provided with a geographically indexed list maintained by the department of health care providers, facilities, and clinics that perform ultrasounds, including those that offer ultrasound services free of charge. Such materials shall provide contact information for each provider, facility, or clinic including telephone numbers and, if available, website addresses. Should the woman decide to obtain an ultrasound from a provider, facility, or clinic other than the abortion facility, the woman shall be offered a reasonable time to obtain the ultrasound examination before the date and time set for performing or inducing an abortion. The person conducting the ultrasound shall ensure that the active ultrasound image is of a quality consistent with standard medical practice in the community, contains the dimensions of the unborn child, and accurately portrays the presence of external members and internal organs, if present or viewable, of the unborn child. The auscultation of fetal heart tone must also be of a quality consistent with standard medical practice in the community. If the woman chooses to view the ultrasound or hear the heartbeat or both at the abortion facility, the viewing or hearing or both shall be provided to her at the abortion facility at least seventy-two hours prior to the abortion being performed or induced;

(5) **[**~~Prior to an abortion being performed or induced on an unborn child of twenty-two weeks gestational age or older, the physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department that offer information on the possibility of the abortion causing pain to the unborn child. This information shall include, but need not be limited to, the following:~~

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~(a) At least by twenty-two weeks of gestational age, the unborn child possesses all the anatomical structures, including pain receptors, spinal cord, nerve tracts, thalamus, and cortex, that are necessary in order to feel pain;~~

~~(b) A description of the actual steps in the abortion procedure to be performed or induced, and at which steps the abortion procedure could be painful to the unborn child;~~

~~(c) There is evidence that by twenty-two weeks of gestational age, unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted as a response to pain;~~

~~(d) Anesthesia is given to unborn children who are twenty-two weeks or more gestational age who undergo prenatal surgery;~~

~~(e) Anesthesia is given to premature children who are twenty-two weeks or more gestational age who undergo surgery;~~

~~(f) Anesthesia or an analgesic is available in order to minimize or alleviate the pain to the unborn child~~**] The printed materials provided by the department shall include information on the possibility of an abortion causing pain in the unborn child. This information shall include, but need not be limited to, the following:**

(a) Unborn children as early as eight weeks gestational age start to show spontaneous movements and unborn children at this stage in pregnancy show reflex responses to touch;

(b) In the unborn child, the area around his or her mouth and lips is the first part of the unborn child's body to respond to touch and by fourteen weeks gestational age most of the unborn child's body is responsive to touch;

(c) Pain receptors on the unborn child's skin develop around his or her mouth at around seven to eight weeks gestational age, around the palms of his or her hands at ten to ten and a half weeks, on the abdominal wall at fifteen weeks, and over all of his or her body at sixteen weeks gestational age;

(d) Beginning at sixteen weeks gestational age and later, it is possible for pain to be transmitted from receptors to the cortex of the unborn child's brain, where thinking and perceiving occur;

(e) When a physician performs a life-saving surgery, he or she provides anesthesia to unborn children as young as sixteen weeks gestational age in order to alleviate the unborn child's pain; and

(f) A description of the actual steps in the abortion procedure to be performed or induced and at which steps the abortion procedure could be painful to the unborn child;

(6) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining to the woman alternatives to abortion she may wish to consider. Such materials shall:

(a) Identify on a geographical basis public and private agencies available to assist a woman in carrying her unborn child to term, and to assist her in caring for her dependent child or placing her child for adoption, including agencies commonly known and generally referred to as pregnancy resource centers, crisis pregnancy centers, maternity homes, and adoption agencies. Such materials shall provide a comprehensive list by geographical area of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies; provided that such materials shall not include any programs, services, organizations, or affiliates of organizations that perform or induce, or assist in the performing or inducing of, abortions or that refer for abortions;

(b) Explain the Missouri alternatives to abortion services program under section 188.325, and any other programs and services available to pregnant women and mothers of newborn children

offered by public or private agencies which assist a woman in carrying her unborn child to term and assist her in caring for her dependent child or placing her child for adoption, including but not limited to prenatal care; maternal health care; newborn or infant care; mental health services; professional counseling services; housing programs; utility assistance; transportation services; food, clothing, and supplies related to pregnancy; parenting skills; educational programs; job training and placement services; drug and alcohol testing and treatment; and adoption assistance;

(c) Identify the state website for the Missouri alternatives to abortion services program under section 188.325, and any toll-free number established by the state operated in conjunction with the program;

(d) Prominently display the statement: "There are public and private agencies willing and able to help you carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The state of Missouri encourages you to contact those agencies before making a final decision about abortion. State law requires that your physician or a qualified professional give you the opportunity to call agencies like these before you undergo an abortion.";

(7) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining that the father of the unborn child is liable to assist in the support of the child, even in instances where he has offered to pay for the abortion. Such materials shall include information on the legal duties and support obligations of the father of a child, including, but not limited to, child support payments, and the fact that paternity may be established by the father's name on a birth certificate or statement of paternity, or by court action. Such printed materials shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling the family support division within the Missouri department of social services; and

(8) The physician who is to perform or induce the abortion or a qualified professional shall inform the woman that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

2. All information required to be provided to a woman considering abortion by subsection 1 of this section shall be presented to the woman individually, in the physical presence of the woman and in a private room, to protect her privacy, to maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances, to ensure she has an adequate opportunity to ask questions, and to ensure that she is not a victim of coerced abortion. Should a woman be unable to read materials provided to her, they shall be read to her. Should a woman need an interpreter to understand the information presented in the written materials, an interpreter shall be provided to her. Should a woman ask questions concerning any of the information or materials, answers shall be provided in a language she can understand.

3. No abortion shall be performed or induced unless and until the woman upon whom the abortion is to be performed or induced certifies in writing on a checklist form provided by the department that she has been presented all the information required in subsection 1 of this section, that she has been provided the opportunity to view an active ultrasound image of the unborn child and hear the heartbeat of the unborn child if it is audible, and that she further certifies that she gives her voluntary and informed consent, freely and without coercion, to the abortion procedure.

4. **[**~~No abortion shall be performed or induced on an unborn child of twenty-two weeks gestational age or older unless and until the woman upon whom the abortion is to be performed or induced has been provided the opportunity to choose to have an anesthetic or analgesic~~

~~administered to eliminate or alleviate pain to the unborn child caused by the particular method of abortion to be performed or induced. The administration of anesthesia or analgesics shall be performed in a manner consistent with standard medical practice in the community.~~

~~5.~~**]** No physician shall perform or induce an abortion unless and until the physician has obtained from the woman her voluntary and informed consent given freely and without coercion. If the physician has reason to believe that the woman is being coerced into having an abortion, the physician or qualified professional shall inform the woman that services are available for her and shall provide her with private access to a telephone and information about such services, including but not limited to the following:

(1) Rape crisis centers, as defined in section 455.003;

(2) Shelters for victims of domestic violence, as defined in section 455.200; and

(3) Orders of protection, pursuant to chapter 455.

[~~6.~~**] 5.** The physician who is to perform or induce the abortion shall, at least seventy-two hours prior to such procedure, inform the woman orally and in person of:

(1) The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and

(2) The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child's gestational age, and the woman's medical history and medical conditions.

[~~7.~~**] 6.** No physician shall perform or induce an abortion unless and until the physician has received and signed a copy of the form prescribed in subsection 3 of this section. The physician shall retain a copy of the form in the patient's medical record.

[~~8.~~**] 7.** In the event of a medical emergency **[**~~as provided by section 188.039~~**]**, the physician who performed or induced the abortion shall clearly certify in writing the nature and circumstances of the medical emergency. This certification shall be signed by the physician who performed or induced the abortion, and shall be maintained under section 188.060.

[~~9.~~**] 8.** No person or entity shall require, obtain, or accept payment for an abortion from or on behalf of a patient until at least seventy-two hours have passed since the time that the information required by subsection 1 of this section has been provided to the patient. Nothing in this subsection shall prohibit a person or entity from notifying the patient that payment for the abortion will be required after the seventy-two-hour period has expired if she voluntarily chooses to have the abortion.

[~~10.~~**] 9.** The term "qualified professional" as used in this section shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

[~~11.~~**] 10.** By November 30, 2010, the department shall produce the written materials and forms described in this section. Any written materials produced shall be printed in a typeface large enough to be clearly legible. All information shall be presented in an objective, unbiased manner designed to convey only accurate scientific and medical information. The department shall furnish the written materials and forms at no cost and in sufficient quantity to any person who performs or induces abortions, or to any hospital or facility that provides abortions. The department shall make

all information required by subsection 1 of this section available to the public through its department website. The department shall maintain a toll-free, twenty-four-hour hotline telephone number where a caller can obtain information on a regional basis concerning the agencies and services described in subsection 1 of this section. No identifying information regarding persons who use the website shall be collected or maintained. The department shall monitor the website on a regular basis to prevent tampering and correct any operational deficiencies.

[~~12.~~**] 11.** In order to preserve the compelling interest of the state to ensure that the choice to consent to an abortion is voluntary and informed, and given freely and without coercion, the department shall use the procedures for adoption of emergency rules under section 536.025 in order to promulgate all necessary rules, forms, and other necessary material to implement this section by November 30, 2010.

[~~13.~~**] 12.** If the provisions in subsections 1 and **[**9**] 8** of this section requiring a seventy-two-hour waiting period for an abortion are ever temporarily or permanently restrained or enjoined by judicial order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that if such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.

188.028. MINORS, ABORTION REQUIREMENTS AND PROCEDURE. — 1. **Except in the case of a medical emergency,** no person shall knowingly perform **or induce** an abortion upon a pregnant woman under the age of eighteen years unless:

(1) The attending physician has secured the informed written consent of the minor and one parent or guardian**, and the consenting parent or guardian of the minor has notified any other custodial parent in writing prior to the securing of the informed written consent of the minor and one parent or guardian. For purposes of this subdivision, "custodial parent" shall only mean a parent of a minor who has been awarded joint legal custody or joint physical custody of such minor by a court of competent jurisdiction. Notice shall not be required for any parent:**

(a) Who has been found guilty of any offense in violation of chapter 565, relating to offenses against the person; chapter 566, relating to sexual offenses; chapter 567, relating to prostitution; chapter 568, relating to offenses against the family; or chapter 573, related to pornography and related offenses, if a child was a victim;

(b) Who has been found guilty of any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction if a child was a victim, which would be a violation of chapters 565, 566, 567, 568, or 573 if committed in this state;

(c) Who is listed on the sexual offender registry under sections 589.400 to 589.425;

(d) Against whom an order of protection has been issued, including a foreign order of protection given full faith and credit in this state under section 455.067;

(e) Whose custodial, parental, or guardianship rights have been terminated by a court of competent jurisdiction; or

(f) Whose whereabouts are unknown after reasonable inquiry, who is a fugitive from justice, who is habitually in an intoxicated or drugged condition, or who has been declared mentally incompetent or incapacitated by a court of competent jurisdiction; **[**~~or~~**]**

(2) The minor is emancipated and the attending physician has received the informed written consent of the minor; **[**~~or~~**]**

(3) The minor has been granted the right to self-consent to the abortion by court order pursuant to subsection 2 of this section, and the attending physician has received the informed written consent of the minor; or

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(4) The minor has been granted consent to the abortion by court order, and the court has given its informed written consent in accordance with subsection 2 of this section, and the minor is having the abortion willingly, in compliance with subsection 3 of this section.

2. The right of a minor to self-consent to an abortion under subdivision (3) of subsection 1 of this section or court consent under subdivision (4) of subsection 1 of this section may be granted by a court pursuant to the following procedures:

(1) The minor or next friend shall make an application to the juvenile court which shall assist the minor or next friend in preparing the petition and notices required pursuant to this section. The minor or the next friend of the minor shall thereafter file a petition setting forth the initials of the minor; the age of the minor; the names and addresses of each parent, guardian, or, if the minor's parents are deceased and no guardian has been appointed, any other person standing in loco parentis of the minor; that the minor has been fully informed of the risks and consequences of the abortion; that the minor is of sound mind and has sufficient intellectual capacity to consent to the abortion; that, if the court does not grant the minor majority rights for the purpose of consent to the abortion, the court should find that the abortion is in the best interest of the minor and give judicial consent to the abortion; that the court should appoint a guardian ad litem of the child; and if the minor does not have private counsel, that the court should appoint counsel. The petition shall be signed by the minor or the next friend;

(2) A hearing on the merits of the petition, to be held on the record, shall be held as soon as possible within five days of the filing of the petition. If any party is unable to afford counsel, the court shall appoint counsel at least twenty-four hours before the time of the hearing. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect and understanding of the minor; the nature, possible consequences, and alternatives to the abortion; and any other evidence that the court may find useful in determining whether the minor should be granted majority rights for the purpose of consenting to the abortion or whether the abortion is in the best interests of the minor;

(3) In the decree, the court shall for good cause:

(a) Grant the petition for majority rights for the purpose of consenting to the abortion; **[**~~or~~**]**

(b) Find the abortion to be in the best interests of the minor and give judicial consent to the abortion, setting forth the grounds for so finding; or

(c) Deny the petition, setting forth the grounds on which the petition is denied;

(4) If the petition is allowed, the informed consent of the minor, pursuant to a court grant of majority rights, or the judicial consent, shall bar an action by the parents or guardian of the minor on the grounds of battery of the minor by those performing **or inducing** the abortion. The immunity granted shall only extend to the performance **or induction** of the abortion in accordance herewith and any necessary accompanying services which are performed in a competent manner. The costs of the action shall be borne by the parties;

(5) An appeal from an order issued under the provisions of this section may be taken to the court of appeals of this state by the minor or by a parent or guardian of the minor. The notice of intent to appeal shall be given within twenty-four hours from the date of issuance of the order. The record on appeal shall be completed and the appeal shall be perfected within five days from the filing of notice to appeal. Because time may be of the essence regarding the performance **or induction** of the abortion, the supreme court of this state shall, by court rule, provide for expedited appellate review of cases appealed under this section.

3. If a minor desires an abortion, then she shall be orally informed of and, if possible, sign the written consent required **[**~~by section 188.039~~**] under this chapter** in the same manner as an adult person. No abortion shall be performed **or induced** on any minor against her will, except that an

abortion may be performed **or induced** against the will of a minor pursuant to a court order described in subdivision (4) of subsection 1 of this section that the abortion is necessary to preserve the life of the minor.

188.033. OUT-OF-STATE ABORTION FACILITIES, IN-STATE FACILITIES GIVING INFORMATION ABOUT, REQUIREMENTS. — Whenever an abortion facility or a family planning agency located in this state, or any of its agents or employees acting within the scope of his or her authority or employment, provides to a woman considering an abortion the name, address, telephone number, or website of an abortion provider that is located outside of the state, such abortion facility or family planning agency or its agents or employees shall also provide to such woman the printed materials produced by the department under section 188.027. If the name, address, telephone number, or website of such abortion provider is not provided to such woman in person, such printed materials shall be offered to her, and if she chooses, sent to such woman at no cost to her the same day or as soon as possible either electronically or by U.S. mail overnight delivery service or by other overnight or same-day delivery service to an address of such woman's choosing. The department shall furnish such printed materials at no cost and in sufficient quantities to abortion facilities and family planning agencies located within the state.

188.038. PREGNANT WOMEN, BIAS OR DISCRIMINATION AGAINST — FINDINGS OF GENERAL ASSEMBLY — LIMITATIONS ON PERFORMING AN ABORTION, WHEN. — 1. The general assembly of this state finds that:

(1) Removing vestiges of any past bias or discrimination against pregnant women, their partners, and their family members, including their unborn children, is an important task for those in the legal, medical, social services, and human services professions;

(2) Ending any current bias or discrimination against pregnant women, their partners, and their family members, including their unborn children, is a legitimate purpose of government in order to guarantee that those who "are endowed by their Creator with certain unalienable Rights" can enjoy "Life, Liberty and the pursuit of Happiness";

(3) The historical relationship of bias or discrimination by some family planning programs and policies towards poor and minority populations, including, but not limited to, the nonconsensual sterilization of mentally ill, poor, minority, and immigrant women and other coercive family planning programs and policies, must be rejected;

(4) Among Missouri residents, the rate of black or African-American women who undergo abortions is significantly higher, about three and a half times higher, than the rate of white women who undergo abortions. Among Missouri residents, the rate of black or African-American women who undergo repeat abortions is significantly higher, about one and a half times higher, than the rate of white women who undergo repeat abortions;

(5) Performing or inducing an abortion because of the sex of the unborn child is repugnant to the values of equality of females and males and the same opportunities for girls and boys, and furthers a false mindset of female inferiority;

(6) Government has a legitimate interest in preventing the abortion of unborn children with Down Syndrome because it is a form of bias or disability discrimination and victimizes the disabled unborn child at his or her most vulnerable stage. Eliminating unborn children with Down Syndrome raises grave concerns for the lives of those who do live with disabilities. It sends a message of dwindling support for their unique challenges, fosters a false sense that

disability is something that could have been avoidable, and is likely to increase the stigma associated with disability.

2. No person shall perform or induce an abortion on a woman if the person knows that the woman is seeking the abortion solely because of a prenatal diagnosis, test, or screening indicating Down Syndrome or the potential of Down Syndrome in an unborn child.

3. No person shall perform or induce an abortion on a woman if the person knows that the woman is seeking the abortion solely because of the sex or race of the unborn child.

4. Any physician or other person who performs or induces or attempts to perform or induce an abortion prohibited by this section shall be subject to all applicable civil penalties under this chapter including, but not limited to, sections 188.065 and 188.085.

188.043. MEDICAL MALPRACTICE INSURANCE REQUIRED TO PERFORM AN ABORTION. — 1. No person shall perform or induce **[**~~a surgical or medical~~**] an** abortion **on another** unless such person has **[**~~proof of~~**]** medical malpractice insurance with coverage amounts of at least **[**~~five hundred thousand dollars~~**] one million dollars per occurrence and three million dollars in the annual aggregate**.

2. For the purpose of this section, "medical malpractice insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider.

3. No abortion facility or hospital shall employ or engage the services of a person to perform **[**~~one or more abortions~~**] or induce an abortion on another** if the person does not have **[**~~proof of~~**]** medical malpractice insurance pursuant to this section, except **that** the abortion facility or hospital may provide medical malpractice insurance for the services of persons employed or engaged by such facility or hospital **which is no less than the coverage amounts set forth in this section**.

4. Notwithstanding the provisions of section 334.100, failure of a person to maintain the medical malpractice insurance required by this section shall be an additional ground for sanctioning of a person's license, certificate, or permit.

188.044. DRUG OR CHEMICAL USED TO INDUCE ABORTION, WARNING OF BIRTH DEFECTS, DISABILITY, OR OTHER INJURY — TAIL INSURANCE REQUIRED, AMOUNT. — 1. When a drug or chemical, or combination thereof, used by a person to induce an abortion carries a warning from its manufacturer or distributor, a peer-reviewed medical journal article, or a Food and Drug Administration label that its use may cause birth defects, disability, or other injury in a child who survives the abortion, then in addition to the requirements of section 188.043, such person shall also carry tail insurance with coverage amounts of at least one million dollars per occurrence and three million dollars in the annual aggregate for personal injury to or death of a child who survives such abortion. Such policy shall be maintained in force or be in effect for a period of twenty-one years after the person used the drug or chemical, or combination thereof, to induce the abortion.

2. For the purpose of this section, "tail insurance" means insurance which covers the legal liability of the insured once a medical malpractice insurance policy is cancelled, not renewed, or terminated, and covers claims made after such cancellation or termination for acts occurring during the period the prior medical malpractice insurance was in effect.

3. No abortion facility or hospital shall employ or engage the services of a person to induce an abortion on another using any drug or chemical, or combination thereof, which may cause birth defects, disability, or other injury in a child who survives the abortion, if the

person does not have tail insurance pursuant to this section, except that the abortion facility or hospital may provide tail insurance for the services of persons employed or engaged by such facility or hospital which is no less than the coverage amounts and duration set forth in this section.

4. Notwithstanding the provisions of section 334.100 to the contrary, failure of a person to maintain the tail insurance required by this section shall be an additional ground for sanctioning of a person's license, certificate, or permit.

188.052. PHYSICIAN'S REPORT ON ABORTION AND POST-ABORTION CARE, WHEN — DEPARTMENT OF HEALTH AND SENIOR SERVICES TO PUBLISH STATISTICS. — 1. An individual abortion report for each abortion performed or induced upon a woman shall be completed by **[**~~her attending~~**]** **the** physician **who performed or induced the abortion. Abortion reports shall include, but not be limited to, a certification that the physician does not have any knowledge that the woman sought the abortion solely because of a prenatal diagnosis, test, or screening indicating Down Syndrome or the potential of Down Syndrome in the unborn child and a certification that the physician does not have any knowledge that the woman sought the abortion solely because of the sex or race of the unborn child**.

2. An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include:

(1) The date of the abortion;

(2) The name and address of the abortion facility or hospital where the abortion was performed **or induced**;

(3) The nature of the abortion complication diagnosed or treated.

3. All abortion reports shall be signed by the attending physician**[**~~,~~**]** **who performed or induced the abortion** and submitted to the **[**~~state~~**]** department **[**~~of health and senior services~~**]** within forty-five days from the date of the abortion. All complication reports shall be signed by the physician providing the post-abortion care and submitted to the department **[**~~of health and senior services~~**]** within forty-five days from the date of the post-abortion care.

4. A copy of the abortion report shall be made a part of the medical record of the patient of the **abortion** facility or hospital in which the abortion was performed **or induced**.

5. The **[**~~state~~**]** department **[**~~of health and senior services~~**]** shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed **or induced** in the previous calendar year.

188.056. ABORTION PROHIBITED AFTER EIGHT WEEKS GESTATIONAL AGE, EXCEPTION FOR MEDICAL EMERGENCY — VIOLATION, PENALTY — SEVERABILITY CLAUSE. — 1. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman at eight weeks gestational age or later, except in cases of medical emergency. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this section.

2. It shall be an affirmative defense for any person alleged to have violated the provisions of subsection 1 of this section that the person performed or induced an abortion because of

a medical emergency. The defendant shall have the burden of persuasion that the defense is more probably true than not.

3. Prosecution under this section shall bar prosecution under sections 188.057, 188.058, or 188.375 if prosecution under such sections would violate the provisions of Amendment V to the Constitution of the United States or article I, section 19 of the Constitution of Missouri.

4. If any one or more provisions, subsections, sentences, clauses, phrases, or words of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the balance of the section shall remain effective notwithstanding such unenforceability, unconstitutionality, or invalidity. The general assembly hereby declares that it would have passed this section, and each provision, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, subsections, sentences, clauses, phrases, or words of the section, or the application of the section to any person, circumstance, or period of gestational age, would be declared unenforceable, unconstitutional, or invalid.

188.057. ABORTION PROHIBITED AFTER FOURTEEN WEEKS GESTATIONAL AGE, EXCEPTION FOR MEDICAL EMERGENCY — VIOLATION, PENALTY — SEVERABILITY CLAUSE. — 1. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman at fourteen weeks gestational age or later, except in cases of medical emergency. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this section.

2. It shall be an affirmative defense for any person alleged to have violated the provisions of subsection 1 of this section that the person performed or induced an abortion because of a medical emergency. The defendant shall have the burden of persuasion that the defense is more probably true than not.

3. Prosecution under this section shall bar prosecution under sections 188.056, 188.058, or 188.375 if prosecution under such sections would violate the provisions of Amendment V to the Constitution of the United States or article I, section 19 of the Constitution of Missouri.

4. If any one or more provisions, subsections, sentences, clauses, phrases, or words of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the balance of the section shall remain effective notwithstanding such unenforceability, unconstitutionality, or invalidity. The general assembly hereby declares that it would have passed this section, and each provision, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, subsections, sentences, clauses, phrases, or words of the section, or the application of the section to any person, circumstance, or period of gestational age, would be declared unenforceable, unconstitutional, or invalid.

188.058. ABORTION PROHIBITED AFTER EIGHTEEN WEEKS GESTATIONAL AGE, EXCEPTION FOR MEDICAL EMERGENCY — VIOLATION, PENALTY — SEVERABILITY CLAUSE. — 1. Notwithstanding any other provision of law to the contrary, no abortion shall be

performed or induced upon a woman at eighteen weeks gestational age or later, except in cases of medical emergency. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

2. It shall be an affirmative defense for any person alleged to have violated the provisions of subsection 1 of this section that the person performed or induced an abortion because of a medical emergency. The defendant shall have the burden of persuasion that the defense is more probably true than not.

3. Prosecution under this section shall bar prosecution under sections 188.056, 188.057, or 188.375 if prosecution under such sections would violate the provisions of Amendment V to the Constitution of the United States or article I, section 19 of the Constitution of Missouri.

4. If any one or more provisions, subsections, sentences, clauses, phrases, or words of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the balance of the section shall remain effective notwithstanding such unenforceability, unconstitutionality, or invalidity. The general assembly hereby declares that it would have passed this section, and each provision, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, subsections, sentences, clauses, phrases, or words of the section, or the application of the section to any person, circumstance, or period of gestational age, would be declared unenforceable, unconstitutional, or invalid.

188.375. CITATION OF ACT — DEFINITION — LIMITATION ON ABORTION, WHEN — VIOLATION, PENALTY — METHOD OR TECHNIQUE TO BE UTILIZED — SEVERABILITY CLAUSE. — 1. This section shall be known and may be cited as the "Late-Term Pain-Capable Unborn Child Protection Act".

2. As used in this section, the phrase "late-term pain-capable unborn child" shall mean an unborn child at twenty weeks gestational age or later.

3. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman carrying a late-term pain-capable unborn child, except in cases of medical emergency. Any person who knowingly performs or induces an abortion of a late-term pain-capable unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

4. It shall be an affirmative defense for any person alleged to have violated the provisions of subsection 3 of this section that the person performed or induced an abortion because of a medical emergency. The defendant shall have the burden of persuasion that the defense is more probably true than not.

5. Prosecution under subsection 3 of this section shall bar prosecution under sections 188.056, 188.057, or 188.058 if prosecution under such sections would violate the provisions of Amendment V to the Constitution of the United States or article I, section 19 of the Constitution of Missouri.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

6. When in cases of medical emergency a physician performs or induces an abortion upon a woman in her third trimester carrying a late-term pain-capable unborn child, the physician shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs or induces an abortion upon a woman during her third trimester carrying a late-term pain-capable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

7. When in cases of medical emergency a physician performs or induces an abortion upon a woman during her third trimester carrying a late-term pain-capable unborn child, there shall be in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion.

8. Any physician who knowingly violates any of the provisions of subsections 6 or 7 of this section shall be guilty of a class D felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of subsections 6 or 7 of this section shall not be prosecuted for a conspiracy to violate the provisions of those subsections.

9. If any one or more provisions, subsections, sentences, clauses, phrases, or words of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the balance of the section shall remain effective notwithstanding such unenforceability, unconstitutionality, or invalidity. The general assembly hereby declares that it would have passed this section, and each provision, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, subsections, sentences, clauses, phrases, or words of the section, or the application of the section to any person, circumstance, or period of gestational age, would be declared unenforceable, unconstitutional, or invalid.

SECTION B. CONTINGENCY CLAUSE. — The enactment of section 188.017 of this act shall only become effective upon notification to the revisor of statutes by an opinion by the attorney general of Missouri, a proclamation by the governor of Missouri, or the adoption of a concurrent resolution by the Missouri general assembly that:

(1) The United States Supreme Court has overruled, in whole or in part, Roe v. Wade, 410 U.S. 113 (1973), restoring or granting to the state of Missouri the authority to regulate abortion to the extent set forth in section 188.017, and that as a result, it is reasonably probable that section 188.017 of this act would be upheld by the court as constitutional;

(2) An amendment to the Constitution of the United States has been adopted that has the effect of restoring or granting to the state of Missouri the authority to regulate abortion to the extent set forth in section 188.017; or

(3) The United States Congress has enacted a law that has the effect of restoring or granting to the state of Missouri the authority to regulate abortion to the extent set forth in section 188.017.

SECTION C. EMERGENCY CLAUSE. — Because of the need to protect the health and safety of women and their children, both unborn and born, the repeal and reenactment of section 188.028 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 188.028 of this act shall be in full force and effect upon its passage and approval.

Approved May 24, 2019

SS HB 138

Enacts provisions relating to life-sustaining treatment policies.

AN ACT to amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies.

SECTION

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

SECTION A. ENACTING CLAUSE. — Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.250, to read as follows:

191.250. CITATION OF LAW — DEFINITIONS — DNR ORDERS, REQUIREMENTS — REVOCATION OF CONSENT — APPOINTMENT OF GUARDIAN, WHEN — CONTINUATION OF TREATMENT NOT REQUIRED, WHEN. — 1. This section shall be known and may be cited as "Simon's Law".

2. As used in this section, the following terms shall mean:

(1) "End-of-life medical decision order", a decision issued by a juvenile or family court pertaining to life-sustaining treatment, including do-not-resuscitate orders, provided on behalf of and in the best interests of a child under juvenile or family court jurisdiction under section 211.031;

(2) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent health care provider who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

3. For a child who is not under juvenile or family court jurisdiction under section 211.031, no health care facility, nursing home, physician, nurse, or medical staff shall institute a do-not-resuscitate order or similar physician's order, either orally or in writing, without the written or oral consent of at least one parent or legal guardian of the patient or resident under eighteen years of age who is not emancipated. If consent to implement a do-not-resuscitate order or similar physician's order is granted orally, two witnesses other than the parent, legal guardian, or physician shall be present and willing to attest to the consent given by the legal guardian of the patient or at least one parent of the patient. The provision of such consent shall be immediately recorded in the patient's medical record, specifying

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

who provided the information, to whom the information was provided, which parent or legal guardian gave the consent, who the witnesses were, and the date and time the consent was obtained.

4. The requirements of subsection 3 of this section shall not apply if a reasonably diligent effort of at least forty-eight hours without success has been made to contact and inform each known parent or legal guardian of the intent to implement a do-not-resuscitate order or similar physician's order.

5. Consent previously given under subsection 3 of this section may be revoked orally or in writing by the parent or legal guardian of the patient or resident who granted the original permission. Such revocation of prior consent shall take precedence over any prior consent to implement a do-not-resuscitate order or similar physician's order and shall be immediately recorded in the patient's or resident's medical record, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

6. For a child under juvenile court jurisdiction under section 211.031, a juvenile or family court may issue an end-of-life medical decision order, a physician's order, or any other medical decision order, or may appoint a guardian for the child for that purpose. The children's division shall not be appointed as guardian for a child to make end-of-life medical decisions, including do-not-resuscitate orders. In the event a child under the jurisdiction of a juvenile or family court under section 211.031 is returned to the custody of the legal guardian or parent, the legal guardian or parent may revoke the consent for the end-of-life medical decisions or similar physician's orders ordered by the court, including do-not-resuscitate orders for the child. Revocation may be orally or in writing and shall be immediately recorded in the patient's medical records, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

7. For the purposes of this section, a relative caregiver under the provisions of section 431.058 shall have the same authority given to a parent or legal guardian of a nonemancipated patient or resident under eighteen years of age, provided that such a patient or resident is not under juvenile or family court jurisdiction under section 211.031.

8. Nothing in this section shall be construed to require any health care facility, nursing home, physician, nurse, or medical staff to provide or continue any treatment, including resuscitative efforts, food, medication, oxygen, intravenous fluids, or nutrition, that would be:

(1) Medically inappropriate because, in their reasonable medical judgment, providing such treatment would create a greater risk of causing or hastening the death of the patient; or

(2) Medically inappropriate because, in their reasonable medical judgment, providing such treatment would be potentially harmful or cause unnecessary pain, suffering, or injury to the patient.

9. Nothing in this section shall require health care providers to continue cardiopulmonary resuscitation or manual ventilation beyond a time in which, in their reasonable medical judgment, there is no further benefit to the patient or likely recovery of the patient.

Approved July 11, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

HB 182

Enacts provisions relating to interest rates on payments by insurers.

AN ACT to repeal section 374.191, RSMo, and to enact in lieu thereof one new section relating to interest rates on payments by insurers.

SECTION

A. Enacting clause.

374.191 Interest rate on certain claims, refunds, penalties, or payments under legal or remedial actions — inapplicable, when.

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

SECTION A. ENACTING CLAUSE. — Section 374.191, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 374.191, to read as follows:

374.191. INTEREST RATE ON CERTAIN CLAIMS, REFUNDS, PENALTIES, OR PAYMENTS UNDER LEGAL OR REMEDIAL ACTIONS — INAPPLICABLE, WHEN. — 1. If an insurance company is required to pay interest on any claims, refunds, penalties, or payments under a market conduct examination, investigation, stipulation of settlement agreement, voluntary forfeiture agreement, or any other legal or remedial action ordered by the department under any law of this state in which the interest rate is not provided for by law, **or voluntarily pays interest on any claims, refunds, penalties, or payments in which the interest rate is not provided for by law,** such claims, refunds, penalties, or payments shall bear interest at the annual adjusted prime rate of interest as determined by section 32.065, but under no circumstance shall such interest rate exceed nine percent per annum.

2. The provisions of this section shall not apply to payments subject to the provisions of section 376.383 nor any other statute in which the interest rate is specified.

Approved June 6, 2019

SS SCS HCS HB 192

Enacts provisions relating to court procedures, with penalty provisions.

AN ACT to repeal sections 57.280, 302.574, 304.590, 386.510, 386.515, 476.001, 479.020, 479.353, 479.500, 543.270, 558.006, 558.019, and 600.042, RSMo, and to enact in lieu thereof fourteen new sections relating to court procedures, with penalty provisions.

SECTION

A. Enacting clause.

57.280 Sheriff to receive charge, civil cases.

302.574 Temporary permit issued by officer, when — report required, contents — revocation of license, procedure — reinstatement, when — fees — proof of interlock device, when — violations, penalty.

304.590 Travel safe zone defined — doubling of fine for violation in — signage required.

386.510 Review by appellate court.

386.515 Rehearing, procedure.

476.001 Purpose of law.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

479.020	Municipal judges, selection, tenure, jurisdiction, qualifications, course of instruction.
479.353	Conditions.
479.354	Notice to appear in court, date and time to be given when first provided.
479.500	Traffic court may be established in twenty-first judicial circuit — appointment of judges — procedure and operation — jurisdiction — qualification of traffic judges, compensation — pleas without personal appearance — recording of proceedings — costs of establishment and operation.
543.270	Fine commuted to imprisonment, when — fine payable in installments.
558.006	Response to nonpayment.
558.019	Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties — expenses — cooperation with commission — restorative justice methods — restitution fund.
600.042	Director's duties and powers — cases for which representation is authorized — rules, procedure — discretionary powers of defender system — bar members appointment authorized.

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

SECTION A. ENACTING CLAUSE. — Sections 57.280, 302.574, 304.590, 386.510, 386.515, 476.001, 479.020, 479.353, 479.500, 543.270, 558.006, 558.019, and 600.042, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 57.280, 302.574, 304.590, 386.510, 386.515, 476.001, 479.020, 479.353, 479.354, 479.500, 543.270, 558.006, 558.019, and 600.042, to read as follows:

57.280. SHERIFF TO RECEIVE CHARGE, CIVIL CASES. — 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to

be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff**, or any other person specially appointed to serve in a county that receives funds under section 57.278,** shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff**, or any other person specially appointed to serve in a county that receives funds under section 57.278,** under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

302.574. TEMPORARY PERMIT ISSUED BY OFFICER, WHEN — REPORT REQUIRED, CONTENTS — REVOCATION OF LICENSE, PROCEDURE — REINSTATEMENT, WHEN — FEES — PROOF OF INTERLOCK DEVICE, WHEN — VIOLATIONS, PENALTY. — 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. **Pursuant to local court rule promulgated pursuant to section 15 of article V of the Missouri Constitution, the case may also be assigned to a traffic judge pursuant to section 479.500.** The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of

the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but **[**~~may~~**] shall** not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of **[**~~alcohol and drug abuse~~**] behavioral health** under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month

period of required installation of the ignition interlock device, then the period for which the person **[**~~must~~**]** **shall** maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

304.590. TRAVEL SAFE ZONE DEFINED — DOUBLING OF FINE FOR VIOLATION IN — SIGNAGE REQUIRED. — 1. As used in this section, the term "travel safe zone" means any area upon or around any highway, as defined in section 302.010, which is visibly marked by the department of transportation; and when a highway safety analysis demonstrates fatal or disabling motor vehicle crashes exceed a predicted safety performance level for comparable roadways as determined by the department of transportation.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court **[**~~shall~~**]** **may** double the amount of fine authorized to be imposed by law, if the moving violation or offense occurred within a travel safe zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation under section 304.009 or 304.010, the court **[**~~shall~~**]** **may** double the amount of fine authorized by law, if the violation occurred within a travel safe zone.

4. The penalty authorized under subsections **[**~~1~~**]** **2** and 3 of this section shall only be assessed by the court if the department of transportation has erected signs upon or around a travel safe zone which are clearly visible from the highway and which state substantially the following message: "Travel Safe Zone — Fines Doubled".

5. This section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

386.510. REVIEW BY APPELLATE COURT. — With respect to commission orders or decisions issued on and after July 1, 2011, within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may file a notice of appeal with **[**~~the commission, which shall also be served on the parties to the commission proceeding in accordance with section 386.515, and which the commission shall forward to~~**]** the appellate court with the territorial jurisdiction over the county

where the hearing was held or in which the commission has its principal office for the purpose of having the reasonableness or lawfulness of the original order or decision or the order or decision on rehearing inquired into or determined**, which shall also be served on the commission and the parties to the commission proceeding in accordance with section 386.515**. Except with respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional evidence may be introduced in the appellate court but the cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the commission and certified to by it. The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, **all necessary filing fees,** and any other information specified by the rules of the court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals. The commission and each party to the action or proceeding before the commission shall have the right to intervene and participate fully in the review proceedings. Upon the submission of the case to the court of appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole or in part, the order or decision of the commission under review. In case the order or decision is reversed by reason of the commission failing to receive testimony properly proffered, the court shall remand the cause to the commission, with instructions to receive the testimony so proffered and rejected, and enter a new order or render a new decision based upon the evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion, remand any cause which is reversed by it to the commission for further action. No court in this state, except the supreme court or the court of appeals, shall have jurisdiction or authority to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the executing or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties. The appellate courts of this state shall always be deemed open for the trial of suits brought to review the orders and decisions of the commission as provided in the public service commission law and the same shall where necessary be tried and determined as suits in equity.

386.515. REHEARING, PROCEDURE. — With respect to commission orders or decisions issued on and after July 1, 2011, an application for rehearing is required to be served on all parties and is a prerequisite to the filing of an appeal under section 386.510. The application for rehearing puts the parties to the proceeding before the commission on notice that an appeal can follow and any such review under the appeal may proceed provided that a copy of the notice of appeal is served on said parties. With respect to commission orders or decisions issued on and after July 1, 2011, the review procedure provided for in section 386.510 continues to be exclusive except that a copy of the notice of appeal required by section 386.510 shall be served on **the commission and** each party to the proceeding before the commission by the appellant according to the rules established by the court in which the appeal is filed.

476.001. PURPOSE OF LAW. — An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as

they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, **and** 478.320**[**~~, and subdivision (12) of subsection 1 of section 600.042~~**]** to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.

479.020. MUNICIPAL JUDGES, SELECTION, TENURE, JURISDICTION, QUALIFICATIONS, COURSE OF INSTRUCTION. — 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time. **A court that serves more than one municipality shall be treated as a single municipality for the purposes of this subsection.**

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

479.353. CONDITIONS. — 1. Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:

(a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve-month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless the due process procedures mandated by Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

(4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and

(5) No court costs shall be assessed if the defendant is found to be indigent under subdivision (4) of this section or if the case is dismissed.

2. If an individual has been held in custody on a notice to show cause or an arrest warrant for an underlying minor traffic violation, the court, on its own motion or on the motion of any interested party, may review the original fine and sentence and waive or reduce such fine or sentence if the court finds it reasonable given the circumstances of the case.

479.354. NOTICE TO APPEAR IN COURT, DATE AND TIME TO BE GIVEN WHEN FIRST PROVIDED. — For any notice to appear, citation, or summons on a minor traffic violation, the date and time the defendant is to appear in court shall be given when such notice to appear, citation, or summons is first provided to the defendant. If said notice is not properly given, the court shall reissue the notice, citation, or summons to the defendant and shall specifically set forth the date and time for the defendant to appear.

479.500. TRAFFIC COURT MAY BE ESTABLISHED IN TWENTY-FIRST JUDICIAL CIRCUIT — APPOINTMENT OF JUDGES — PROCEDURE AND OPERATION — JURISDICTION — QUALIFICATION OF TRAFFIC JUDGES, COMPENSATION — PLEAS WITHOUT PERSONAL APPEARANCE — RECORDING OF PROCEEDINGS — COSTS OF ESTABLISHMENT AND OPERATION. — 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the

two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010 which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309 and 302.311 and, prior to January 1, 2002, pursuant to sections 302.535 and 302.750.

4. After January 1, 2002, traffic judges, in addition to the authority provided in subsection 3 of this section, may be authorized by local court rule adopted pursuant to Article V, Section 15 of the Missouri Constitution to conduct proceedings pursuant to sections 302.535**, 302.574,** and 302.750, subject to procedures that preserve a meaningful hearing before a judge of the circuit court, as follows:

(1) Conduct the initial call docket and accept uncontested dispositions of petitions to review;

(2) The petitioner shall have the right to the de novo hearing before a judge of the circuit court, except that, at the option of the petitioner, traffic judges may hear in the first instance such petitions for review.

5. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

6. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

7. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise

provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

8. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

9. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, except that the provisions of subsection 2 of section 512.180 shall not apply to such cases.

10. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

11. All costs to establish and operate a county municipal court under section 66.010 and this section shall be borne by such county.

543.270. FINE COMMUTED TO IMPRISONMENT, WHEN — FINE PAYABLE IN INSTALLMENTS. — [~~1. When any person shall be unable to pay any fine and costs assessed against him, the associate circuit judge shall have power, at the request of the defendant, to commute such fine and costs to imprisonment in the county jail, which shall be credited at the rate of ten dollars of such fine and costs for each day's imprisonment.~~

~~2.~~**]** When a fine is assessed by **[**~~an~~**] a municipal judge,** associate circuit judge, **or circuit judge,** it shall be within his **or her** discretion to provide for the payment of the fine on an installment basis under such terms and conditions as he **or she** may deem appropriate. **In no event shall the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of any person be the subject of any condition of probation, nor shall the failure to pay such costs be the sole basis for the issuance of a warrant.**

558.006. RESPONSE TO NONPAYMENT. — [~~1.~~**]** When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, **[**~~the court upon motion of the prosecuting attorney or upon its own motion may require him or her to show cause why he or she should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his or her appearance.~~

~~2. Following an order to show cause under subsection 1 of this section, unless the offender shows that his or her default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his or her part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court may provide in its order that payment or satisfaction of the fine at any time will entitle the offender to his or her release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.~~

~~3. If it appears that the default in the payment of a fine is excusable under the standards set forth in subsection 2 of this section, the court may enter an order allowing the offender additional~~

~~time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.~~

~~4. When a fine is imposed on a corporation it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections 1 and 2 of this section.~~

~~5. Upon default in the payment of a~~**] the** fine or **[**~~any~~**]** installment **[**~~thereof, the fine may~~**] shall** be collected by any means authorized for the **[**~~enforcement~~**] collection** of money judgments**, other than a lien against real estate, or may be waived at the discretion of the sentencing judge**.

558.019. PRIOR FELONY CONVICTIONS, MINIMUM PRISON TERMS — PRISON COMMITMENT DEFINED — DANGEROUS FELONY, MINIMUM TERM PRISON TERM, HOW CALCULATED — SENTENCING COMMISSION CREATED, MEMBERS, DUTIES — EXPENSES — COOPERATION WITH COMMISSION — RESTORATIVE JUSTICE METHODS — RESTITUTION FUND. — 1. This section shall not be construed to affect the powers of the governor under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall **only** be applicable to **[**~~all classes of felonies except those set forth in chapter 579, or in chapter 195 prior to January 1, 2017, and those otherwise excluded in subsection 1 of this section~~**] the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony**. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve

shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for offenses committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. **An offender who was convicted of, or pled guilty to, a felony offense other than those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer be subject to the minimum prison term provisions under subsection 2 of this section, and shall be eligible for parole, conditional release, or other early release by the department of corrections according to the rules and regulations of the department.**

7. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar offenses and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

[~~7.~~**] 8.** Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

[~~8.~~**] 9.** If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

[~~9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.~~**]**

10. Pursuant to subdivision (1) of subsection **[**~~8~~**] 9** of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a person to make payment.

12. A person who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the person either willfully refused to make the payment or that the person willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

600.042. DIRECTOR'S DUTIES AND POWERS — CASES FOR WHICH REPRESENTATION IS AUTHORIZED — RULES, PROCEDURE — DISCRETIONARY POWERS OF DEFENDER SYSTEM — BAR MEMBERS APPOINTMENT AUTHORIZED. — 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system**[**~~;~~

~~(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to~~

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021~~**]**.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

Approved July 9, 2019

SS SCS HCS HB 220

Enacts provisions relating to the taxation of companies regulated by the public service commission.

AN ACT to repeal sections 144.020, 153.030, and 153.034, RSMo, and to enact in lieu thereof four new sections relating to the taxation of companies regulated by the public service commission.

SECTION

A.	Enacting clause.
144.020	Rate of tax — tickets, notice of sales tax.
153.030	Bridge and public utility companies, how taxed — annual report — microwave relay stations, apportionment — telephone company, one-time election on assessment, effect of.
153.034	Electric companies, distributable, local property, definitions.
393.1073	Task force established, members, hearings and research — report, contents — meetings — expiration date.

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

SECTION A. ENACTING CLAUSE. — Sections 144.020, 153.030, and 153.034, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 144.020, 153.030, 153.034, and 393.1073, to read as follows:

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX. — 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) **(a)** A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(b) If local and long distance telecommunications services subject to tax under this subdivision are aggregated with and not separately stated from charges for telecommunications service or other services not subject to tax under this subdivision, including, but not limited to, interstate or international telecommunications services, then the charges for nontaxable services may be subject to taxation unless the telecommunications provider can identify by reasonable and verifiable standards such portion of the charges not subject to such tax from its books and records that are kept in the

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regular course of business, including, but not limited to, financial statement, general ledgers, invoice and billing systems and reports, and reports for regulatory tariffs and other regulatory matters;

(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;

(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use

on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

153.030. BRIDGE AND PUBLIC UTILITY COMPANIES, HOW TAXED — ANNUAL REPORT — MICROWAVE RELAY STATIONS, APPORTIONMENT — TELEPHONE COMPANY, ONE-TIME ELECTION ON ASSESSMENT, EFFECT OF. — 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

a. In determining the amount of state aid that a school district receives under section 163.031;

b. In determining the amount that may be collected under a property tax levy by such district; or

c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

a. Assessed under paragraph (b) of subdivision (1) of this subsection; and

b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls;

(b) Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and

(c) All other business or personal property related to the wind energy project shall be assessed using the methodology provided under section 137.122.

153.034. ELECTRIC COMPANIES, DISTRIBUTABLE, LOCAL PROPERTY, DEFINITIONS. — 1. The term "distributable property" of an electric company shall include all the real or tangible personal property which is used directly in the generation and distribution of electric power, but not property used as a collateral facility nor property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

(1) Boiler plant equipment, turbogenerator units and generators;

(2) Station equipment;

(3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;

(4) Substation equipment and fences;

(5) Rights-of-way;

(6) Reactor, reactor plant equipment, and cooling towers;

(7) Communication equipment used for control of generation and distribution of power;

(8) Land associated with such distributable property.

2. The term "local property" of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

(1) Motor vehicles;

(2) Construction work in progress;

(3) Materials and supplies;

(4) Office furniture, office equipment, and office fixtures;

(5) Coal piles and nuclear fuel;

(6) Land held for future use;
(7) Workshops, warehouses, office buildings and generating plant structures;
(8) Communication equipment not used for control of generation and distribution of power;
(9) Roads, railroads, and bridges;
(10) Reservoirs, dams, and waterways;
(11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

393.1073. TASK FORCE ESTABLISHED, MEMBERS, HEARINGS AND RESEARCH — REPORT, CONTENTS — MEETINGS — EXPIRATION DATE. — 1. There is hereby established the "Task Force on Wind Energy", which shall be composed of the following members:

(1) Three members of the house of representatives, with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives;

(2) Three members of the senate, with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate; and

(3) Two representatives from Missouri county governments with experience in wind energy valuations, with one being a currently elected county assessor to be appointed by the speaker of the house of representatives, and one being a currently elected county clerk to be appointed by the president pro tempore of the senate.

2. The task force shall conduct public hearings and research, and shall compile a report for delivery to the general assembly by no later than December 31, 2019. Such report shall include information on the following:

(1) The economic benefits and drawbacks of wind turbines to local communities and the state;

(2) The fair, uniform, and standardized assessment and taxation of wind turbines and their connected equipment owned by a public utility company at the county level in all counties;

(3) Compliance with existing federal and state programs and regulations; and

(4) Potential legislation that will provide a uniform assessment and taxation methodology for wind turbines and their connected equipment owned by a public utility company that will be used in every county of Missouri.

3. The task force shall meet within thirty days after its creation and shall organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. A majority of the task

force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.

4. The staff of house research and senate research shall provide necessary clerical, research, fiscal, and legal services to the task force, as the task force may request.

5. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred in the performance of the task force's official duties by the task force, its members, and any staff assigned to the task force shall be paid from the joint contingent fund.

6. This section shall expire on December 31, 2019.

Approved July 10, 2019

SCS HCS HBs 243 & 544

Enacts provisions relating to victims of certain crimes, with an existing penalty provision.

AN ACT to repeal section 573.110, RSMo, and to enact in lieu thereof two new sections relating to victims of certain crimes, with an existing penalty provision.

SECTION

A.	Enacting clause.
441.920	Victims of domestic violence, sexual assault, or stalking — no discrimination against applicants, tenants, or lessees for residential properties.
573.110	Nonconsensual dissemination of private sexual images, offense of — definitions — elements — exemptions — immunity from liability, when — penalty — private cause of action, when.

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

SECTION A. ENACTING CLAUSE. — Section 573.110, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 441.920 and 573.110, to read as follows:

441.920. VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING — NO DISCRIMINATION AGAINST APPLICANTS, TENANTS, OR LESSEES FOR RESIDENTIAL PROPERTIES. — 1. For purposes of this section, the following terms mean:

(1) "Domestic violence", as such term is defined in section 455.010;

(2) "Sexual assault", as such term is defined in section 455.010;

(3) "Stalking", as such term is defined in section 455.010.

2. No applicant, tenant, or lessee shall be denied tenancy, be evicted from the premises, or found to be in violation of a lease agreement on the basis of or as a direct result of the fact that the applicant, tenant, or lessee is, has been, or is in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking if the applicant, tenant, or lessee otherwise qualifies for tenancy or occupancy in the premises. The provisions of this subsection shall not apply if:

(1) The applicant, tenant, or lessee allowed the person named in any documentation listed in subsection 4 of this section into the premises; or

(2) The landlord or property owner reasonably believes that a person named in any documentation listed in subsection 4 of this section poses a threat to the safety of the other occupants or the property.

3. In any action brought by a landlord against a tenant under this chapter, chapter 534, or chapter 535, a tenant shall have an affirmative defense and not be liable for rent for the period after which the tenant vacates the premises owned by the landlord if, by a preponderance of the evidence, the court finds that the tenant was a victim or was in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking and the tenant notified the landlord and has provided any requested documentation under subsection 4 of this section.

4. An applicant, tenant, or lessee shall qualify for the protections under this section if he or she provides a statement of such domestic violence, sexual assault, or stalking to his or her landlord or the property owner. If the landlord or property owner requests, the applicant, tenant, or lessee shall provide documentation of the domestic violence, sexual assault, or stalking, which may be in any of the following forms:

(1) A document signed by an employee of a victim service provider, or a health care professional or mental health professional from whom the victim has sought assistance relating to domestic violence, sexual assault, stalking, or the effects of abuse stating that, under penalty of perjury, the individual believes in the occurrence of the incident of domestic violence, sexual assault, or stalking that is the ground for protection, and that the incident meets the applicable definition of domestic violence, sexual assault, or stalking. Such document shall be signed by the victim; or

(2) A record of a federal, state, or local law enforcement agency, including a police report, a court, or an administrative agency pertaining to the alleged incident of domestic violence, sexual assault, or stalking.

5. The submission of false information by an applicant, tenant, or lessee under this section may be a basis for a denial of tenancy, eviction, or a violation of a lease agreement.

6. Any landlord or property owner may impose a reasonable termination fee on a tenant or lessee who desires to terminate a lease before the expiration date of such lease under the provisions of this section.

7. The provisions of this section shall only apply to residential properties.

573.110. NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES, OFFENSE OF — DEFINITIONS — ELEMENTS — EXEMPTIONS — IMMUNITY FROM LIABILITY, WHEN — PENALTY — PRIVATE CAUSE OF ACTION, WHEN. — 1. As used in this section and section 573.112, the following terms mean:

(1) "Computer", a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage and telecommunications devices connected to computers;

(2) "Computer program", a series of coded instructions or statements in a form acceptable to a computer that causes the computer to process data and supply the results of the data processing;

(3) "Data", a representation in any form of information, knowledge, facts, concepts, or instructions including, but not limited to, program documentation, that is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form including, but not limited to, printouts, magnetic or optical storage media, punch cards, data stored internally in the memory of the computer, or data stored externally that is accessible by the computer;

(4) "Image", a photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body;

(5) "Intimate parts", the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, or anus or, if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing;

(6) "Private mobile radio services", private land mobile radio services and other communications services characterized by the public service commission as private mobile radio services;

(7) "Public mobile services", air-to-ground radio telephone services, cellular radio telecommunications services, offshore radio, rural radio services, public land mobile telephone services, and other common carrier radio communications services;

(8) "Sexual act", sexual penetration, masturbation, or sexual activity;

(9) "Sexual activity", any:

(a) Knowing touching or fondling by the victim or another person or animal, either directly or through clothing, of the sex organs, anus, or breast of the victim or another person or animal for the purpose of sexual gratification or arousal;

(b) Transfer or transmission of semen upon any part of the clothed or unclothed body of the victim for the purpose of sexual gratification or arousal of the victim or another;

(c) Act of urination within a sexual context;

(d) Bondage, fetter, sadism, or masochism; or

(e) Sadomasochism abuse in any sexual context.

2. A person commits the offense of nonconsensual dissemination of private sexual images if he or she:

(1) Intentionally disseminates **an image** with the intent to harass, threaten, or coerce **[**~~an image of~~**]** another person:

(a) Who is at least eighteen years of age;

(b) Who is identifiable from the image itself or information displayed in connection with the image; and

(c) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part;

(2) Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and

(3) Knows or should have known that the person in the image did not consent to the dissemination.

3. The following activities are exempt from the provisions of this section:

(1) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination is made for the purpose of a criminal investigation that is otherwise lawful;

(2) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

(3) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the image involves voluntary exposure in a public or commercial setting; or

(4) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination serves a lawful public purpose.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

(1) An interactive computer service, as defined in 47 U.S.C. Section 230(f)(2);

(2) A provider of public mobile services or private mobile radio services; or

(3) A telecommunications network or broadband provider.

5. A person convicted under this section is subject to the forfeiture provisions under sections 513.600 to 513.660.

6. The offense of nonconsensual dissemination of private sexual images is a class D felony.

7. In addition to the criminal penalties listed in subsection 6 of this section, the person in violation of the provisions of this section shall also be subject to a private cause of action from the depicted person. Any successful private cause of action brought under this subsection shall result in an award equal to ten thousand dollars or actual damages, whichever is greater, and in addition shall include attorney's fees. Humiliation or embarrassment shall be an adequate **[**~~show~~**]** **showing** that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown.

Approved July 9, 2019

SCS HB 260

Enacts provisions relating to poaching, with penalty provisions.

AN ACT to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

SECTION

A. Enacting clause.

252.042 Additional penalties, when — moneys transferred to state school moneys fund.

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

SECTION A. ENACTING CLAUSE. — Chapter 252, RSMo, is amended by adding thereto one new section, to be known as section 252.042, to read as follows:

252.042. ADDITIONAL PENALTIES, WHEN — MONEYS TRANSFERRED TO STATE SCHOOL MONEYS FUND. — 1. In addition to the penalties provided in section 252.040, the court may order a person found guilty of chasing, pursuing, killing, processing, or disposing of wild turkey, paddlefish, antlered white-tailed deer**, excluding does, black bear, or elk in violation of methods, seasons, and limits as defined and permitted by commission rules and regulations to make restitution to the state in an amount of:**

(1) Not less than five hundred dollars and not more than one thousand dollars for each wild turkey;

(2) Not less than five hundred dollars and not more than one thousand dollars for each paddlefish;

(3) Not less than one thousand dollars and not more than five thousand dollars for each antlered white-tailed deer**, excluding does; and**

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(4) Not less than ten thousand dollars and not more than fifteen thousand dollars for each black bear or elk.

2. Moneys collected under this section shall be transferred to the state school moneys fund established under section 166.051 and distributed to the public schools of this state in the manner provided under section 163.031.

Approved July 11, 2019

SCS HCS HB 266

Enacts provisions relating to state designations.

AN ACT to repeal section 161.700, RSMo, and to enact in lieu thereof eight new sections relating to state designations.

SECTION

A. E

nacting clause.

9.117	Battle of St. Louis Memorial day designated for May 26.
9.240	Missouri sliced bread day designated for July 7.
9.285	Diffuse intrinsic pontine glioma awareness day designated for September 9.
9.286	Eczema awareness month designated for the month of October.
161.700	Holocaust education and awareness commission created, members — holocaust defined — executive director may be employed.
185.070	Missouri historical theater established — definitions — administration, criteria — certificate, list of theaters designated — rulemaking authority.
261.500	Citation of law — definitions — scorecard, criteria for pollinator-friendly solar sites — permissible claims by owners.
311.025	Missouri bourbon and Missouri bourbon whiskey labels, use of name, criteria.

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

SECTION A. ENACTING CLAUSE. — Section 161.700, RSMo, is repealed and eight new sections enacted in lieu thereof, to be known as sections 9.117, 9.240, 9.285, 9.286, 161.700, 185.070, 261.500, and 311.025, to read as follows:

9.117. BATTLE OF ST. LOUIS MEMORIAL DAY DESIGNATED FOR MAY 26. — May twenty-sixth of each year shall be known as "Battle of St. Louis Memorial Day" in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to commemorate the only battle of the American Revolution fought in what would become the state of Missouri.

9.240. MISSOURI SLICED BREAD DAY DESIGNATED FOR JULY 7. — July seventh of each year shall be designated as "Missouri Sliced Bread Day". The citizens of this state are encouraged to participate in appropriate activities and events to commemorate the first sale of sliced bread on July 7, 1928, in Chillicothe, Missouri.

9.285. DIFFUSE INTRINSIC PONTINE GLIOMA AWARENESS DAY DESIGNATED FOR SEPTEMBER 9. — September ninth of each year is hereby designated and shall be known as

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

"Diffuse Intrinsic Pontine Glioma Awareness Day" in honor of Adleigh, a young Missourian who lost her battle with this terminal form of childhood cancer. Citizens of this state are encouraged to recognize this day with appropriate events and activities to raise awareness and educate others about this disease.

9.286. The month of October shall be known and designated as "Eczema Awareness Month". The citizens of this state are encouraged to participate in appropriate activities and events to increase awareness of this chronic, inflammatory skin disease.

161.700. HOLOCAUST EDUCATION AND AWARENESS COMMISSION CREATED, MEMBERS — HOLOCAUST DEFINED — EXECUTIVE DIRECTOR MAY BE EMPLOYED. — 1. This section shall be known as the "Holocaust Education and Awareness Commission Act".

2. There is hereby created a permanent state commission known as the "Holocaust Education and Awareness Commission". The commission shall be housed in the department of elementary and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term "holocaust" shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered **[**~~in Nazi concentration camps~~**]** **by Nazi Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions.

185.070. MISSOURI HISTORICAL THEATER ESTABLISHED — DEFINITIONS — ADMINISTRATION, CRITERIA — CERTIFICATE, LIST OF THEATERS DESIGNATED — RULEMAKING AUTHORITY. — 1. There is hereby established the designation of "Missouri Historical Theater".

2. As used in this section, the following terms mean:

(1) "Missouri state council on the arts" or "council", as established in section 185.010;

(2) "Theater", a 501(c)(3) organization that produces plays, musicals, and other dramatic performances.

3. The council shall administer the Missouri historical theater program including, but not limited to, creating application forms, establishing a time line for applications, announcing theaters receiving the designation, creating a process to ensure theaters who receive the designation maintain eligibility, and establishing an application fee to cover the costs of administering the program and providing the certificate in subsection 5 of this section.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. The council shall use the following criteria to determine which theaters should receive the state historical theater designation:

(1) The theater is a 501(c)(3) not-for-profit organization;

(2) The theater produces a minimum of three shows open to the public each year;

(3) The extent to which the theater contributes to tourism in Missouri;

(4) The extent to which the theater promotes the arts in its community and throughout Missouri; and

(5) The theater has been operational for a minimum of fifty years.

5. All theaters selected for the state historical theater designation shall receive a certificate, suitable for framing, from the council.

6. Each year, the council shall provide a list of theaters that have the state historical theater designation to the division of tourism.

7. With the advice of the Missouri state council on the arts, the director of the department of economic development may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

261.500. CITATION OF LAW — DEFINITIONS — SCORECARD, CRITERIA FOR POLLINATOR-FRIENDLY SOLAR SITES — PERMISSIBLE CLAIMS BY OWNERS. — 1. The provisions of this section shall be known and may be cited as the "Missouri Solar Pollinator Habitat Act".

2. For purposes of this section, the following terms mean:

(1) "Native perennial vegetation", perennial Missouri wildflowers, shrubs, grasses, or other plants that serve as beneficial habitat, forage, or migratory waystations for pollinators;

(2) "Pollinators", any bees, birds, butterflies, or other animals or insects, including any wild or managed insects, that pollinate flowering plants;

(3) "Solar site", a ground-mounted solar system for generating electricity that is at least one acre in size;

(4) "Vegetation management plan", a written document that includes short-term and long-term site management practices that will provide and maintain native perennial vegetation.

3. The University of Missouri extension service, in consultation with other state and nongovernmental agencies with expertise in pollinators, shall publish a scorecard that sets forth criteria for making a claim that a solar site is pollinator-friendly or provides benefits to pollinators. The scorecard shall be available on the website of the University of Missouri extension service within six months of the effective date of this section.

4. An owner of a solar site may follow practices at the solar site that provide native perennial vegetation and foraging habitat beneficial to pollinators.

5. An owner of a solar site implementing site management practices under this section may claim that the site is pollinator-friendly or provides benefits to pollinators only if the site and the site's vegetation management plan adhere to the criteria set forth in the University of Missouri extension service's scorecard described under subsection 3 of this section.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

6. An owner making a claim that a solar site is pollinator-friendly or provides benefits to pollinators shall make the solar site's completed scorecard and vegetation management plan available to the public and provide a copy to the University of Missouri extension service and a nonprofit solar industry trade association of this state.

311.025. MISSOURI BOURBON AND MISSOURI BOURBON WHISKEY LABELS, USE OF NAME, CRITERIA. — 1. To qualify as "Missouri Bourbon" or "Missouri Bourbon Whiskey", and to be labeled as such, a product shall be a spirit that meets the following conditions:

(1) The product shall be mashed, fermented, distilled, aged, and bottled in Missouri; and

(2) The product shall be aged in oak barrels manufactured in Missouri.

2. Beginning January 1, 2020, to qualify as "Missouri Bourbon" or "Missouri Bourbon Whiskey", and to be labeled as such, all corn used in the mash must be Missouri-grown corn.

Approved July 11, 2019

SCS HB 355

Enacts provisions relating to utilities, with penalty provisions.

AN ACT to repeal sections 88.770, 327.401, 386.020, 386.135, 386.510, 386.515, and 537.340, RSMo, and to enact in lieu thereof nine new sections relating to utilities, with penalty provisions.

SECTION

A.	Enacting clause.
88.770	Street lighting system — electric or gas works.
327.401	Right to practice not transferable — corporation, certificate of authority required.
386.020	Definitions.
386.135	Independent technical staff for commission authorized, qualifications — personal advisors permitted — corresponding elimination of positions required — duties of technical staff.
386.510	Review by appellate court.
386.515	Rehearing, procedure.
386.805	Electric vehicle charging station considered an addition or expansion of existing structure, when.
537.340	Trespass on realty — treble damages recoverable, when — rules for trimming, removing, and controlling trees.
569.086	Trespass on a critical infrastructure facility — penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 88.770, 327.401, 386.020, 386.135, 386.510, 386.515, and 537.340, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 88.770, 327.401, 386.020, 386.135, 386.510, 386.515, 386.805, 537.340, and 569.086, to read as follows:

88.770. STREET LIGHTING SYSTEM — ELECTRIC OR GAS WORKS. — 1. The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with any person, association or corporation, either private or municipal, for the lighting of the streets and other public places of the city with gas,

electricity or otherwise, except that each initial contract shall be ratified by a majority of the voters of the city voting on the question and any renewal contract or extension shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works and the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and poles and such other apparatus and appliances as may be necessary for the efficient operation of such works. The board of aldermen may, in its discretion, grant the right to any person, persons or corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for a longer time than twenty years, but may be renewed for another period or periods not to exceed twenty years per period. Every initial grant shall be approved by a majority of the voters of the municipality voting on the question, and each renewal or extension of such rights shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to prevent the board of aldermen from contracting with any person, persons or corporation for furnishing the city with gas or electric lights in cities where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people, except that the board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by the city including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question, except for the sale of a water or wastewater system, or the sale of a gas plant, which shall be authorized by a simple majority vote of the voters voting on the question. In the event of the proposed sale of a water or wastewater system, or a gas plant, the board of alderman shall hold a public meeting on such proposed sale at least thirty days prior to the vote. The municipality in question shall notify its customers of the informational meeting through radio, television, newspaper, regular mail, electronic mail, or any combination of notification methods to most effectively notify customers at least fifteen days prior to the informational meeting. **In advance of putting a proposed sale of a water or wastewater system, or a gas plant before the voters, the board of aldermen may seek an appraisal as set forth in subsections 3 and 4 of section 393.320. The board may also seek and provide additional reasonable analyses to inform voters of such sale, including but not limited to, the impact of such sale on all city funds and revenues, other city services, and annexation. Nothing in this section shall be so construed as to discourage the board of aldermen from seeking multiple bids when considering the disposal of a water or wastewater system or a gas plant by sale.**

2. **The board of aldermen's determination of the fair market value of a water or wastewater system or a gas plant for the purposes of this section shall not be dispositive of**

the price of a water or wastewater system, or a gas plant, which may be subject to negotiation by the board of aldermen.

3. The board of aldermen may consider alternatives to disposing of a water or wastewater system, or a gas plant by sale, including entering into a finance agreement, purchase agreement, management agreement, or lease agreement with another entity.

4. The board of aldermen may make available on its internet site, if such internet site exists, at least forty-five days prior to submitting a proposal for election pursuant to this section, a copy of the appraisal or additional reasonable analyses under subsection 1 of this section and the fair market value of a water or wastewater system or a gas plant. Such information may also be posted in the building where the board of aldermen has its monthly meetings.

5. The board of aldermen may make a good-faith effort to notify each property owner of the city and each ratepayer of a water or wastewater system or a gas plant of the proposal to dispose of the water or wastewater system, or a gas plant, by sale through radio, television, newspaper, regular mail, electronic mail, or any combination of such notification methods. Such notice may also include instructions for locating a summary of the proposal and a summary of any appraisal and analyses as under subsection 1 of this section on the board of aldermen's internet site, if such internet site exists. In the event the board of aldermen does not have an internet site, the notice may inform the recipient that written copies of such information may be made available at the building where the board of aldermen has its monthly meetings.

6. Nothing in this section shall be construed as a violation of section 115.646, relating to the use of public funds to advocate, support, or oppose the ballot measure prescribed in subsection 7 of this section.

7. The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:

Shall_____ (Indicate the property by stating whether electric distribution system, electric transmission lines or waterworks, etc.) be _____ (Indicate whether sold, leased or encumbered.)?

327.401. RIGHT TO PRACTICE NOT TRANSFERABLE — CORPORATION, CERTIFICATE OF AUTHORITY REQUIRED. — 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of

architecture or professional engineering or professional land surveying or professional landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or professional landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying or professional landscape architectural services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or professional landscape architectural activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a professional landscape architect licensed and authorized to practice professional landscape architecture in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

The provisions of this subsection requiring corporations to obtain a certificate of authority shall not apply to any rural electrical cooperative organized under the provisions of chapter 394 or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under cooperative business plan, as described in subsection 2 of section 393.110.

386.020. DEFINITIONS. — As used in this chapter, the following words and phrases mean:

(1) "Alternative local exchange telecommunications company", a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995;

(2) "Alternative operator services company", any certificated interexchange telecommunications company which receives more than forty percent of its annual Missouri intrastate telecommunications service revenues from the provision of operator services pursuant to operator services contracts with traffic aggregators;

(3) "Basic interexchange telecommunications service" includes, at a minimum, two-way switched voice service between points in different local calling scopes as determined by the commission and shall include other services as determined by the commission by rule upon periodic review and update;

(4) "Basic local telecommunications service", two-way switched voice service within a local calling scope as determined by the commission comprised of any of the following services and their recurring and nonrecurring charges:

(a) Multiparty, single line, including installation, touchtone dialing, and any applicable mileage or zone charges;

(b) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired and speech impaired;

(c) Access to local emergency services including, but not limited to, 911 service established by local authorities;

(d) Access to basic local operator services;

(e) Access to basic local directory assistance;

(f) Standard intercept service;

(g) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission;

(h) One standard white pages directory listing.

Basic local telecommunications service does not include optional toll-free calling outside a local calling scope but within a community of interest, available for an additional monthly fee or the offering or provision of basic local telecommunications service at private shared-tenant service locations;

(5) "Cable television service", the one-way transmission to subscribers of video programming or other programming service and the subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

(6) "Carrier of last resort", any telecommunications company which is obligated to offer basic local telecommunications service to all customers who request service in a geographic area defined by the commission and cannot abandon this obligation without approval from the commission;

(7) "Commission", the "Public Service Commission" hereby created;

(8) "Commissioner", one of the members of the commission;

(9) "Competitive telecommunications company", a telecommunications company which has been classified as such by the commission pursuant to section 392.245 or 392.361;

(10) "Competitive telecommunications service", a telecommunications service which has been classified as such by the commission pursuant to section 392.245 or to section 392.361, or which has become a competitive telecommunications service pursuant to section 392.370;

(11) "Corporation" includes a corporation, company, association and joint stock association or company;

(12) "Customer-owned pay telephone", a privately owned telecommunications device that is not owned, leased or otherwise controlled by a local exchange telecommunications company and which provides telecommunications services for a use fee to the general public;

(13) "Effective competition" shall be determined by the commission based on:

(a) The extent to which services are available from alternative providers in the relevant market;

(b) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions;

(c) The extent to which the purposes and policies of chapter 392, including the reasonableness of rates, as set out in section 392.185, are being advanced;

(d) Existing economic or regulatory barriers to entry; and

(e) Any other factors deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392;

(14) "Electric plant" includes all real estate, fixtures and personal property operated, controlled, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power;

(15) "Electrical corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation generating electricity solely for railroad, light rail or street railroad purposes or for the use of its tenants and not for sale to others, owning, operating, controlling or managing any electric plant except where electricity is generated or distributed by the producer solely on or through private property for railroad, light rail or street railroad purposes or for its own use or the use of its tenants and not for sale to others**. The term "electrical corporation" shall not include:**

(a) Municipally owned electric utilities operating under chapter 91;

(b) Rural electric cooperatives operating under chapter 394;

(c) Persons or corporations not otherwise engaged in the production or sale of electricity at wholesale or retail that sell, lease, own, control, operate, or manage one or more electric vehicle charging stations;

(16) "Exchange", a geographical area for the administration of telecommunications services, established and described by the tariff of a telecommunications company providing basic local telecommunications service;

(17) "Exchange access service", a service provided by a local exchange telecommunications company which enables a telecommunications company or other customer to enter and exit the local exchange telecommunications network in order to originate or terminate interexchange telecommunications service;

(18) "Gas corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any gas plant operating for public use under privilege, license or franchise now or hereafter granted by the state or any political subdivision, county or municipality thereof;

(19) "Gas plant" includes all real estate, fixtures and personal property owned, operated, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;

(20) "Heating company" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, managing or controlling any plant or property for manufacturing and distributing and selling, for distribution, or distributing hot or cold water, steam or currents of hot or cold air for motive power, heating, cooking, or for any public use or service, in any city, town or village in this state; provided, that no agency or authority created by or operated pursuant to an interstate compact established pursuant to section 70.370 shall be a heating company or subject to regulation by the commission;

(21) "High-cost area", a geographic area, which shall follow exchange boundaries and be no smaller than an exchange nor larger than a local calling scope, where the cost of providing basic local telecommunications service as determined by the commission, giving due regard to recovery of an appropriate share of joint and common costs as well as those costs related to carrier of last resort obligations, exceeds the rate for basic local telecommunications service found reasonable by the commission;

(22) "Incumbent local exchange telecommunications company", a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

(23) "Interconnected voice over internet protocol service", service that:

(a) Enables real-time, two-way voice communications;

(b) Requires a broadband connection from the user's location;

(c) Requires internet protocol-compatible customer premises equipment; and

(d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

(24) "Interexchange telecommunications company", any company engaged in the provision of interexchange telecommunications service;

(25) "Interexchange telecommunications service", telecommunications service between points in two or more exchanges;

(26) "InterLATA", interexchange telecommunications service between points in different local access and transportation areas;

(27) "IntraLATA", interexchange telecommunications service between points within the same local access and transportation area;

(28) "Light rail" includes every rail transportation system in which one or more rail vehicles are propelled electrically by overhead catenary wire upon tracks located substantially within an urban area and are operated exclusively in the transportation of passengers and their baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in connection with the operation of light rail;

(29) "Line" includes route;

(30) "Local access and transportation area" or "LATA", contiguous geographic area approved by the U.S. District Court for the District of Columbia in United States v. Western Electric, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell Operating companies;

(31) "Local exchange telecommunications company", any company engaged in the provision of local exchange telecommunications service. A local exchange telecommunications company shall be considered a "large local exchange telecommunications company" if it has at least one hundred thousand access lines in Missouri and a "small local exchange telecommunications company" if it has less than one hundred thousand access lines in Missouri;

(32) "Local exchange telecommunications service", telecommunications service between points within an exchange;

(33) "Long-run incremental cost", the change in total costs of the company of producing an increment of output in the long run when the company uses least cost technology, and excluding any costs that, in the long run, are not brought into existence as a direct result of the increment of output. The relevant increment of output shall be the level of output necessary to satisfy total current demand levels for the service in question, or, for new services, demand levels that can be demonstrably anticipated;

(34) "Municipality" includes a city, village or town;

(35) "Nonbasic telecommunications services" shall be all regulated telecommunications services other than basic local and exchange access telecommunications services, and shall include the services identified in paragraphs (d) and (e) of subdivision (4) of this section. Any retail telecommunications service offered for the first time after August 28, 1996, shall be classified as a nonbasic telecommunications service, including any new service which does not replace an existing service;

(36) "Noncompetitive telecommunications company", a telecommunications company other than a competitive telecommunications company or a transitionally competitive telecommunications company;

(37) "Noncompetitive telecommunications service", a telecommunications service other than a competitive or transitionally competitive telecommunications service;

(38) "Operator services", operator-assisted interexchange telecommunications service by means of either human or automated call intervention and includes, but is not limited to, billing or completion of calling card, collect, person-to-person, station-to-station or third number billed calls;

(39) "Operator services contract", any agreement between a traffic aggregator and a certificated interexchange telecommunications company to provide operator services at a traffic aggregator location;

(40) "Person" includes an individual, and a firm or copartnership;

(41) "Private shared tenant services" includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises as authorized by the commission by a commercial-shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of local exchange telecommunications companies and to interexchange telecommunications companies;

(42) "Private telecommunications system", a telecommunications system controlled by a person or corporation for the sole and exclusive use of such person, corporation or legal or corporate affiliate thereof;

(43) "Public utility" includes every pipeline corporation, gas corporation, electrical corporation, telecommunications company, water corporation, **[**~~heat~~**]** **heating company** or refrigerating corporation, and sewer corporation, as these terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this chapter;

(44) "Railroad" includes every railroad and railway, other than street railroad or light rail, by whatsoever power operated for public use in the conveyance of persons or property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real estate and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad;

(45) "Railroad corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, holding, operating, controlling or managing any railroad **[**~~or railway~~**]** as defined in this section, or any cars or other equipment used thereon or in connection therewith;

(46) "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge, switching charge, rental or other compensation of any corporation, person or public utility, or any two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching charges, rentals or other compensations of any corporation, person or public utility or any schedule or tariff thereof;

(47) "Resale of telecommunications service", the offering or providing of telecommunications service primarily through the use of services or facilities owned or provided by a separate telecommunications company, but does not include the offering or providing of private shared tenant services;

(48) "Service" includes not only the use and accommodations afforded consumers or patrons, but also any product or commodity furnished by any corporation, person or public utility and the plant, equipment, apparatus, appliances, property and facilities employed by any corporation, person or public utility in performing any service or in furnishing any product or commodity and devoted to the public purposes of such corporation, person or public utility, and to the use and accommodation of consumers or patrons;

(49) "Sewer corporation" includes every corporation, company, association, joint stock company or association, partnership or person, their lessees, trustees or receivers appointed by any court, owning, operating, controlling or managing any sewer system, plant or property, for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain, except that the term shall not include sewer systems with fewer than twenty-five outlets;

(50) "Sewer system" includes all pipes, pumps, canals, lagoons, plants, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose;

(51) "Street railroad" includes every railroad by whatsoever type of power operated, and all extensions and branches thereof and supplementary facilities thereto by whatsoever type of vehicle operated, for public use in the conveyance of persons or property for compensation, mainly providing local transportation service upon the streets, highways and public places in a municipality, or in and adjacent to a municipality, and including all cars, buses and other rolling stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels, stations, terminals and real estate of every kind used, operated or owned in connection therewith but this term shall not include light rail as defined in this section; and the term "street railroad" when used in this chapter shall also include all motor bus and trolley bus lines and routes and similar local transportation facilities, and the rolling stock and other equipment thereof and the appurtenances thereto, when operated as a part of a street railroad or trolley bus local transportation system, or in conjunction therewith or supplementary thereto, but such term shall not include a railroad constituting or used as part of a trunk line railroad system and any street railroad as defined above which shall be converted wholly to motor bus operation shall nevertheless continue to be included within the term street railroad as used herein;

(52) "Telecommunications company" includes telephone corporations as that term is used in the statutes of this state and every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any facilities used to provide telecommunications service for hire, sale or resale within this state;

(53) "Telecommunications facilities" includes lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate, easements, apparatus, property and routes used, operated, controlled or owned by any telecommunications company to facilitate the provision of telecommunications service;

(54) "Telecommunications service", the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include:

(a) The rent, sale, lease, or exchange for other value received of customer premises equipment except for customer premises equipment owned by a telephone company certificated or otherwise authorized to provide telephone service prior to September 28, 1987, and provided under tariff or in inventory on January 1, 1983, which must be detariffed no later than December 31, 1987, and

thereafter the provision of which shall not be a telecommunications service, and except for customer premises equipment owned or provided by a telecommunications company and used for answering 911 or emergency calls;

(b) Answering services and paging services;

(c) The offering of radio communication services and facilities when such services and facilities are provided under a license granted by the Federal Communications Commission under the commercial mobile radio services rules and regulations;

(d) Services provided by a hospital, hotel, motel, or other similar business whose principal service is the provision of temporary lodging through the owning or operating of message switching or billing equipment solely for the purpose of providing at a charge telecommunications services to its temporary patients or guests;

(e) Services provided by a private telecommunications system;

(f) Cable television service;

(g) The installation and maintenance of inside wire within a customer's premises;

(h) Electronic publishing services;

(i) Services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission; or

(j) Interconnected voice over internet protocol service;

(55) "Telephone cooperative", every corporation defined as a telecommunications company in this section, in which at least ninety percent of those persons and corporations subscribing to receive local telecommunications service from the corporation own at least ninety percent of the corporation's outstanding and issued capital stock and in which no subscriber owns more than two shares of the corporation's outstanding and issued capital stock;

(56) "Traffic aggregator", any person, firm, partnership or corporation which furnishes a telephone for use by the public and includes, but is not limited to, telephones located in rooms, offices and similar locations in hotels, motels, hospitals, colleges, universities, airports and public or customer-owned pay telephone locations, whether or not coin operated;

(57) "Transitionally competitive telecommunications company", an interexchange telecommunications company which provides any noncompetitive or transitionally competitive telecommunications service, except for an interexchange telecommunications company which provides only noncompetitive telecommunications service;

(58) "Transitionally competitive telecommunications service", a telecommunications service offered by a noncompetitive or transitionally competitive telecommunications company and classified as transitionally competitive by the commission pursuant to section 392.361 or 392.370;

(59) "Water corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water;

(60) "Water system" includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for municipal, domestic or other beneficial use.

386.135. INDEPENDENT TECHNICAL STAFF FOR COMMISSION AUTHORIZED, QUALIFICATIONS — PERSONAL ADVISORS PERMITTED — CORRESPONDING ELIMINATION OF

POSITIONS REQUIRED — DUTIES OF TECHNICAL STAFF. — 1. The commission **[**~~shall have~~**] may retain** an independent technical advisory staff of up to six full-time employees. The **technical** advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner **[**~~shall~~**] may** also **[**~~have the authority to~~**]** retain one personal advisor**[**~~, who shall be deemed a member of the technical advisory staff~~**]**. The personal advisors **[**~~will~~**] shall** serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only **[**~~hire technical~~**] establish technical** advisory staff **and personal advisor positions** pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff **and personal advisors** on a cost-neutral basis. **[**~~Such technical advisory staff shall be hired on or before July 1, 2005.~~**]**

4. It shall be the duty of the technical advisory staff **and personal advisors** to render advice and assistance to the commissioners and the commission's administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission. **Communications with the technical advisory staff or the personal advisors regarding deliberations by the commission or matters that may arise during the course of proceedings before the commission shall be deemed privileged and protected from disclosure.**

5. The technical advisory staff shall also update the commission and the commission's administrative law judges periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff **and the personal advisors** shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner**[**~~, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.~~

~~7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member~~**]**. **All technical advisory staff members and the personal advisors who were previously employees of entities regulated by or appearing before the commission shall be precluded from advising the commission on cases in which the technical advisory staff member or personal advisor participated while employed by the entity.**

[~~8.~~**] 7.** The technical advisory staff **and personal advisors** shall never be a party to any case before the commission.

386.510. REVIEW BY APPELLATE COURT. — With respect to commission orders or decisions issued on and after July 1, 2011, within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may file a notice of appeal with **[**~~the commission, which shall also be~~

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~~served on the parties to the commission proceeding in accordance with section 386.515, and which the commission shall forward to~~**]** the appellate court with the territorial jurisdiction over the county where the hearing was held or in which the commission has its principal office for the purpose of having the reasonableness or lawfulness of the original order or decision or the order or decision on rehearing inquired into or determined**, which shall also be served on the commission and the parties to the commission proceeding in accordance with section 386.515**. Except with respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional evidence may be introduced in the appellate court but the cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the commission and certified to by it. The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, **all necessary filing fees,** and any other information specified by the rules of the court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals. The commission and each party to the action or proceeding before the commission shall have the right to intervene and participate fully in the review proceedings. Upon the submission of the case to the court of appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole or in part, the order or decision of the commission under review. In case the order or decision is reversed by reason of the commission failing to receive testimony properly proffered, the court shall remand the cause to the commission, with instructions to receive the testimony so proffered and rejected, and enter a new order or render a new decision based upon the evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion, remand any cause which is reversed by it to the commission for further action. No court in this state, except the supreme court or the court of appeals, shall have jurisdiction or authority to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the executing or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties. The appellate courts of this state shall always be deemed open for the trial of suits brought to review the orders and decisions of the commission as provided in the public service commission law and the same shall where necessary be tried and determined as suits in equity.

386.515. REHEARING, PROCEDURE. — With respect to commission orders or decisions issued on and after July 1, 2011, an application for rehearing is required to be served on all parties and is a prerequisite to the filing of an appeal under section 386.510. The application for rehearing puts the parties to the proceeding before the commission on notice that an appeal can follow and any such review under the appeal may proceed provided that a copy of the notice of appeal is served on said parties. With respect to commission orders or decisions issued on and after July 1, 2011, the review procedure provided for in section 386.510 continues to be exclusive except that a copy of the notice of appeal required by section 386.510 shall be served on **the commission and** each party to the proceeding before the commission by the appellant according to the rules established by the court in which the appeal is filed.

386.805. ELECTRIC VEHICLE CHARGING STATION CONSIDERED AN ADDITION OR EXPANSION OF EXISTING STRUCTURE, WHEN. — For purposes of sections 91.025, 386.800, 393.106, 394.080, and 394.315 only, when municipally owned electric utilities or rural electric cooperatives are lawfully providing electric service to a structure outside of their respective service area boundaries, an electric vehicle charging station reasonably proximate to such

structure served by such municipally owned electric utility or rural electric cooperative shall be considered a contiguous or adjacent addition to or an expansion of an existing structure.

537.340. TRESPASS ON REALTY — TREBLE DAMAGES RECOVERABLE, WHEN — RULES FOR TRIMMING, REMOVING, AND CONTROLLING TREES. — 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing a hazard to the continued safe and reliable operation thereof;

(2) An electric supplier may exercise its authority under subdivision (1) of this subsection if the trees and other vegetation are within the legal description of any recorded easement or, in the absence of a recorded easement, the following:

(a) Within ten feet, plus one-half the length of any attached cross arm, of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located within the limits of any city; or

(b) Within thirty feet of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located outside the limits of any city; or

(c) Within fifty feet of either side of the centerline of electricity lines potentially energized between 34.5 and one hundred kilovolts measured line to line; or

(d) Within the greater of the following for any electricity lines potentially energized at one hundred kilovolts or more measured line to line:

a. Seventy-five feet to either side of the centerline; or

b. Any required clearance distance adopted by either the Federal Energy Regulatory Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the proper and reliable operation of electric service and shall create a rebuttable presumption, in claims for property damage, that the electric supplier acted with reasonable care, operated within its rights regarding the operation and maintenance of its electricity lines, and has not committed a trespass;

(3) An electric supplier may trim, remove, and control trees and other vegetation outside the provisions in subdivision (2) of this subsection if such actions are necessary to maintain the continued safe and reliable operation of its electric lines;

(4) An electric supplier may secure from the owner or occupier of land greater authority to trim, remove, and control trees and other vegetation than the provisions set forth in subdivision (2) of this subsection and may exercise any and all rights regarding the trimming, removing, and controlling of trees and other vegetation granted in any easement held by the electric supplier;

(5) An electric supplier may trim or remove any tree of sufficient height outside the provisions of subdivision (2) of this subsection when such tree, if it were to fall, would threaten the integrity and safety of any electric transmission or distribution line and would pose a hazard to the continued safe and reliable operation thereof;

(6) Prior to the removal of any tree under the provisions of subdivision (5) of this subsection, an electric supplier shall notify the owner or occupier of land, if available, at least fourteen days prior to such removal unless either the electric supplier deems the removal to be immediately necessary to continue the safe and reliable operation of its electricity lines, or the electric supplier is trimming or removing trees and other vegetation following a major weather event or other emergency situation;

(7) If any tree which is partially trimmed by an electric supplier dies within three months as a result of said trimming, the owner or occupier of land upon which the tree was trimmed may request in writing that the electric supplier remove said tree at the electric supplier's expense. The electric supplier shall respond to such request within ninety days;

(8) Nothing in this subsection shall be interpreted as requiring any electric supplier to fully exercise the authorities granted in this subsection.

3. For purposes of this section, the term "electric supplier" means any rural electric cooperative that is subject to the provisions of chapter 394**[**~~, and~~**]** **;** any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003**; any municipally owned or operated electric power system that is subject to the provisions of chapter 91; and any municipally owned utility whose service area is set by state statute, service agreement, or other authority to include areas which are not incorporated into city limits**.

569.086. TRESPASS ON A CRITICAL INFRASTRUCTURE FACILITY — PENALTY. — 1. As used in this section, "critical infrastructure facility" means any of the following facilities that are under construction or operational: a petroleum or alumina refinery; critical electric infrastructure, as defined in 18 CFR Section 118.113(c)(3) including, but not limited to, an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage facility; a telecommunications central switching office; wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage

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and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; a generation, transmission, or distribution system of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. If it is determined that the intent of the trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor.

3. A person commits the offense of damage of a critical infrastructure if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony.

4. This section shall not apply to conduct protected under the Constitution of the United States, the Constitution of the state of Missouri, or a state or federal law or rule.

Approved July 11, 2019

CCS SS SCS HCS HB 397

Enacts provisions relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

AN ACT to repeal sections 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020, 567.050, 578.421, 578.423, and 610.131, RSMo, and to enact in lieu thereof twenty-seven new sections relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

SECTION

A.	Enacting clause.
191.250	Citation of law — definitions — DNR orders, requirements — revocation of consent — appointment of guardian, when — continuation of treatment not required, when.
208.044	Child day care services to be provided certain persons — eligible providers.
208.151	Medical assistance, persons eligible — rulemaking authority.
210.025	Criminal background checks, persons receiving state or federal funds for child care, procedure — rulemaking authority — exemptions, contingent expiration date.
210.192	Child fatality review panel to investigate deaths — qualifications — prosecutors and circuit attorneys to organize — report on investigations — immunity from civil liability — program for prevention.
210.194	Panels, coroners and medical examiners — rules authorized for protocol and identifying suspicious deaths, procedure.
210.195	State technical assistance team, duties — regional coordinators, appointment, duties — state child fatality review panel, appointment, duties, findings and recommendations, content.
210.201	Definitions.
210.211	License required — exceptions — disclosure of licensure status, when.

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210.221	Licenses to be issued by department of health and senior services — duty to fix standards and make investigations — rule variance granted when, procedure — sanctioning of licenses, when — denial of application, when.
210.245	Violations, penalties — prosecutor may file suit to oversee or prevent operation of day care center — attorney general may seek injunction, when.
210.252	Fire, safety, health and sanitation inspections, procedure — variances to rules granted when — rules authorized.
210.254	Religious organization operating facilities exempt under licensing laws required to file parental notice of responsibility and fire, safety inspections annually.
210.565	Relatives of child shall be given foster home placement, when — relative, defined — order of preference — specific findings required, when — sibling placement — age of relative not a factor, when — federal requirements to be followed for placement of Native American children — waiver of certain standards, when — GAL to ascertain child's wishes, when.
210.1014	Amber alert system oversight committee created, duties, members, compensation — rulemaking authority.
210.1080	Background checks required — definitions — procedure — ineligible for employment, when — exemption, when — emergency rules.
452.377	Relocation of child by parent for more than ninety days, required procedure — violation, effect — notice of relocation of parent, required procedure.
454.507	Financial institutions, division may request information, when, fees — definitions — data match system — notice of lien.
454.600	Definitions.
454.603	Health benefit plan may be required — terms — order of coverage — liability for expenses not covered — abatement, termination of coverage.
513.430	Property exempt from attachment — construction of section.
566.147	Certain offenders not to reside within one thousand feet of a property line of a school, child care facility, or victim's residence — violations, penalties.
567.020	Prostitution — penalty — affirmative defense.
567.050	Promoting prostitution in the first degree — penalty.
578.421	Definitions.
578.423	Participating knowingly in criminal street gang activities, penalty — persons between ages of fourteen and seventeen participating to be transferred to courts of general jurisdiction.
610.131	Expungement for persons less than eighteen years of age at time of offense.
B.	Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020, 567.050, 578.421, 578.423, and 610.131, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 191.250, 208.044, 208.151, 210.025, 210.192, 210.194, 210.195, 210.201, 210.211, 210.221, 210.245, 210.252, 210.254, 210.565, 210.1014, 210.1080, 452.377, 454.507, 454.600, 454.603, 513.430, 566.147, 567.020, 567.050, 578.421, 578.423, and 610.131, to read as follows:

191.250. CITATION OF LAW — DEFINITIONS — DNR ORDERS, REQUIREMENTS — REVOCATION OF CONSENT — APPOINTMENT OF GUARDIAN, WHEN — CONTINUATION OF TREATMENT NOT REQUIRED, WHEN. — 1. This section shall be known and may be cited as "Simon's Law".

2. As used in this section, the following terms shall mean:

(1) "End-of-life medical decision order", a decision issued by a juvenile or family court pertaining to life-sustaining treatment, including do-not-resuscitate orders, provided on

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behalf of and in the best interests of a child under juvenile or family court jurisdiction under section 211.031;

(2) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent health care provider who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

3. For a child who is not under juvenile or family court jurisdiction under section 211.031, no health care facility, nursing home, physician, nurse, or medical staff shall institute a do-not-resuscitate order or similar physician's order, either orally or in writing, without the written or oral consent of at least one parent or legal guardian of the patient or resident under eighteen years of age who is not emancipated. If consent to implement a do-not-resuscitate order or similar physician's order is granted orally, two witnesses other than the parent, legal guardian, or physician shall be present and willing to attest to the consent given by at least one parent or legal guardian of the patient or resident. The provision of such consent shall be immediately recorded in the patient's or resident's medical record, specifying who provided the information, to whom the information was provided, which parent or legal guardian gave the consent, who the witnesses were, and the date and time the consent was obtained.

4. The requirements of subsection 3 of this section shall not apply if a reasonably diligent effort of at least forty-eight hours without success has been made to contact and inform each known parent or legal guardian of the intent to implement a do-not-resuscitate order or similar physician's order.

5. Consent previously given under subsection 3 of this section may be revoked orally or in writing by the parent or legal guardian of the patient or resident who granted the original permission. Such revocation of prior consent shall take precedence over any prior consent to implement a do-not-resuscitate order or similar physician's order and shall be immediately recorded in the patient's or resident's medical record, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

6. For a child under juvenile court jurisdiction under section 211.031, a juvenile or family court may issue an end-of-life medical decision order, a physician's order, or any other medical decision order, or may appoint a guardian for the child for that purpose. The children's division shall not be appointed as guardian for a child to make an end-of-life medical decision, including a do-not-resuscitate order. In the event a child under the jurisdiction of a juvenile or family court under section 211.031 is returned to the custody of the parent or legal guardian, the parent or legal guardian may revoke the consent for the end-of-life medical decision or similar physician's orders ordered by the court, including a do-not-resuscitate order for the child. Revocation may be orally or in writing and shall be immediately recorded in the patient's or resident's medical records, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

7. For the purposes of this section, a relative caregiver under the provisions of section 431.058 shall have the same authority given to a parent or legal guardian of a nonemancipated patient or resident under eighteen years of age, provided that such a patient or resident is not under juvenile or family court jurisdiction under section 211.031.

8. Nothing in this section shall be construed to require any health care facility, nursing home, physician, nurse, or medical staff to provide or continue any treatment, including

resuscitative efforts, food, medication, oxygen, intravenous fluids, or nutrition, that would be:

(1) Medically inappropriate because, in their reasonable medical judgment, providing such treatment would create a greater risk of causing or hastening the death of the patient or resident; or

(2) Medically inappropriate because, in their reasonable medical judgment, providing such treatment would be potentially harmful or cause unnecessary pain, suffering, or injury to the patient or resident.

9. Nothing in this section shall require health care providers to continue cardiopulmonary resuscitation or manual ventilation beyond a time in which, in their reasonable medical judgment, there is no further benefit to the patient or resident or likely recovery of the patient or resident.

208.044. CHILD DAY CARE SERVICES TO BE PROVIDED CERTAIN PERSONS — ELIGIBLE PROVIDERS. — 1. The children's division shall provide child day care services to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485).

2. The division shall purchase the child day care services required by this section by making payments directly to any providers of day care services licensed pursuant to chapter 210 or to providers of day care services who are not required by chapter 210 to be licensed because they are providing care to **[**~~relative children or~~**]** no more than **[**~~four~~**] six** children **pursuant to section 210.211**.

3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional day care, as defined in section 208.400, such person may receive day care services from the division if otherwise eligible for such services.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop

rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as

authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) **[**~~Effective August 28, 2013,~~**]** Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, **or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age,** without regard to income or assets, if such persons:

(a) Are under twenty-six years of age;

(b) Are not eligible for coverage under another mandatory coverage group; and

(c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in

additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).

210.025. CRIMINAL BACKGROUND CHECKS, PERSONS RECEIVING STATE OR FEDERAL FUNDS FOR CHILD CARE, PROCEDURE — RULEMAKING AUTHORITY — EXEMPTIONS, CONTINGENT EXPIRATION DATE. — 1. An applicant child care provider; persons employed by the applicant child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for the applicant child care provider or unsupervised access to children who are cared for or supervised by the applicant child care provider; or individuals residing in the applicant's family child care home who are seventeen years of age or older shall be required to submit to a criminal background check under section 43.540 prior to an applicant being granted a registration and every five years thereafter and an annual check of the central registry for child abuse established in section 210.109 in order for the applicant to qualify for receipt of state or federal funds for providing child-care services either by direct payment or through reimbursement to a child-care beneficiary. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child-care services in the home, the children's division shall:

(1) Determine if a finding of child abuse or neglect by probable cause prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, involving the applicant or any person over the age of seventeen who is living in the applicant's home has been recorded pursuant to section 210.145 or 210.221;

(2) Determine if the applicant or any person over the age of seventeen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496; and

(3) Upon initial application, require the applicant to submit to fingerprinting and request a criminal background check of the applicant and any person over the age of seventeen who is living in the applicant's home pursuant to section 43.540 and section 210.487, and inquire of the applicant whether any children less than seventeen years of age residing in the applicant's home have ever been certified as an adult and convicted of, or pled guilty or nolo contendere to any crime.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant, any person over the age of seventeen who is living in the applicant's home, and any child less than seventeen years of age who is living in the

applicant's home and who the division has determined has been certified as an adult for the commission of a crime:

(1) Has had a finding of child abuse or neglect by probable cause prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, pursuant to section 210.145 or section 210.152;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566; of any misdemeanor or felony for an offense against the family as defined in chapter 568, with the exception of the sale of fireworks, as defined in section 320.110, to a child under the age of eighteen; of any misdemeanor or felony for pornography or related offense as defined by chapter 573; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge or any offenses or reports which will disqualify an applicant from receiving state or federal funds.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of seventeen or less than seventeen who is living in the applicant's home listed in subsection 2 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of seventeen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

8. (1) The provisions of subsection 1 of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision **[**~~(5)~~**] (4)** of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.

(2) The provisions of subsection 1 of this section, as enacted by the ninety-ninth general assembly, second regular session, and any rules or regulations promulgated under such section, shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal funds from the CCDBG.

210.192. CHILD FATALITY REVIEW PANEL TO INVESTIGATE DEATHS — QUALIFICATIONS — PROSECUTORS AND CIRCUIT ATTORNEYS TO ORGANIZE — REPORT ON INVESTIGATIONS — IMMUNITY FROM CIVIL LIABILITY — PROGRAM FOR PREVENTION. — 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:

(1) The prosecuting or circuit attorney;

(2) The coroner or medical examiner for the county or city not within a county;

(3) Law enforcement personnel in the county or city not within a county;

(4) A representative from the children's division;

(5) A provider of public health care services;

(6) A representative of the juvenile court;

(7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairman who shall convene the panel to meet to review all deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth, which meet guidelines for review as set forth by the department of social services. In addition, the panel may review at its own discretion any child death reported to it by the medical examiner or coroner, even if it does not meet criteria for review as set forth by the department. The panel shall issue a final report, which shall be a public record, of each investigation to the department of social services, state technical assistance team and to the director of the department of health and senior services. The final report shall include a completed summary report form. The form shall be developed by the director of the department of social services in consultation with the director of the department of health and senior services. **[**~~The department of health and senior services shall analyze the child fatality review panel reports and periodically prepare epidemiological reports which describe the incidence, causes, location and other factors pertaining to childhood deaths.~~**]** The department of health and senior services and department of social services shall make recommendations and develop programs to prevent childhood injuries and deaths.

4. The child fatality review panel shall enjoy such official immunity as exists at common law.

210.194. PANELS, CORONERS AND MEDICAL EXAMINERS — RULES AUTHORIZED FOR PROTOCOL AND IDENTIFYING SUSPICIOUS DEATHS, PROCEDURE. — 1. The director of the department of social services, in consultation with the director of the department of health and senior services, shall promulgate rules, guidelines and protocols for child fatality review panels established pursuant to section 210.192 and for state child fatality review panels.

2. The director shall promulgate guidelines and protocols for coroner and medical examiners to use to help them to identify suspicious deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth.

3. No rule or portion of a rule promulgated under the authority of sections 210.192 to 210.196 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. All meetings conducted**[**~~, all reports and records~~**]** **and work product, including internal memoranda, summaries or minutes of meetings, and written, audio, or electronic records and communications,** made and maintained pursuant to sections 210.192 to 210.196 by the department of social services and department of health and senior services and its divisions, including the state technical assistance team, or other appropriate persons, officials, or state child fatality review panel and local child fatality review panel shall be confidential **[**~~and shall not be open to the general public except for the annual report pursuant to section 210.195~~**] , unless otherwise provided in this subsection, section 210.150, section 210.195, or section 660.520. The state technical assistance team shall make nonidentifiable, aggregate data on child fatalities publicly available. Identifiable data shall be released at the discretion of the director of the department of social services, except for any data that was obtained only from birth or death certificate records provided by the department of health and senior services. In those cases, the release of identifiable data shall be at the discretion of the state registrar**.

210.195. STATE TECHNICAL ASSISTANCE TEAM, DUTIES — REGIONAL COORDINATORS, APPOINTMENT, DUTIES — STATE CHILD FATALITY REVIEW PANEL, APPOINTMENT, DUTIES, FINDINGS AND RECOMMENDATIONS, CONTENT. — 1. The director of the department of social services shall establish a special team which shall:

(1) Develop and implement protocols for the evaluation and review of child fatalities;

(2) Provide training, expertise and assistance to county child fatality review panels for the review of child fatalities;

(3) When required and unanimously requested by the county fatality review panel, assist in the review and prosecution of specific child fatalities; and

(4) The special team may be known as the department of social services, state technical assistance team.

2. The director of the department of social services shall appoint regional coordinators to serve as resources to child fatality review panels established pursuant to section 210.192.

3. The director of the department of social services shall appoint a state child fatality review panel which shall meet at least biannually to provide oversight and make recommendations to the department of social services, state technical assistance team. The department of social services, state technical assistance team shall gather data from local child fatality review panels to identify systemic problems and shall submit findings and recommendations to the director of the department of social services, the governor, the speaker of the house of representatives, the president pro tempore of the senate, the children's services commission, juvenile officers, and the chairman of the local child fatality review panel, at least once a year, on ways to prevent further child abuse and injury deaths. **The report shall include a summary of compliance with the provisions of sections 210.192 to 210.196 for each county or city not within a county.**

210.201. DEFINITIONS. — As used in sections 210.201 to 210.257, the following terms mean:

(1) "Child", an individual who is under the age of seventeen;

(2) "Child-care facility", a house or other place conducted or maintained by any person who advertises or holds himself **or herself** out as providing care for more than **[**~~four~~**] six** children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment which provides child care as a convenience for its

customers or its employees for no more than four hours per day, but a child-care facility shall not include any private or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four- and five-year-old children, a home school, as defined in section 167.031, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization. If a facility or program is exempt from licensure based on the school exception established in this subdivision, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status; except that, under no circumstances shall any public or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four- and five-year-old children, a home school, as defined in section 167.031, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization be required to submit documentation annually to the department to verify its licensure-exempt status;

(3) "Person", any person, firm, corporation, association, institution or other incorporated or unincorporated organization;

(4) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes.

210.211. LICENSE REQUIRED — EXCEPTIONS — DISCLOSURE OF LICENSURE STATUS, WHEN. — 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for **[**~~four~~**] six** or fewer children**, including a maximum of three children under the age of two, at the same physical address**. For purposes of this subdivision, children who **[**~~are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for~~**] live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for**;

(2) **[**~~Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;~~

~~(3)~~**]** Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

[~~(4)~~**] (3)** Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

[~~(5)~~**] (4)** Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

[~~(6)~~**] (5)** Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability or developmental disability, as defined in section 630.005; and

[~~(7)~~**] (6)** Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and **[**~~(5)~~**] (4)** of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed**[**~~.~~

~~4. Any in-home licensed child care facility that is organized as a corporation, association, firm, partnership, proprietorship, limited liability company, or any other type of business entity in this state shall qualify for the exemption for related children for children who are related to the member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity who is responsible for the daily operation of the child care facility and who meets the requirements of the child care provider. If more than one member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity is responsible for the daily operation of the child care facility, the exemption for related children shall only be granted for children who are related to one of the members. All child care facilities under this subsection shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care~~**]**. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

210.221. LICENSES TO BE ISSUED BY DEPARTMENT OF HEALTH AND SENIOR SERVICES — DUTY TO FIX STANDARDS AND MAKE INVESTIGATIONS — RULE VARIANCE GRANTED WHEN, PROCEDURE — SANCTIONING OF LICENSES, WHEN — DENIAL OF APPLICATION, WHEN. — 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed;

(4) To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. **The department may deny an application for a license if the department determines that a home or other place in which an applicant would operate a child-care facility is located within one thousand feet of any location where a person required to register under sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of section 566.147, or regularly receives treatment or services, excluding any treatment or services delivered in a hospital, as that term is defined in 197.020, or in facilities owned or operated by a hospital system.** The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.245. VIOLATIONS, PENALTIES — PROSECUTOR MAY FILE SUIT TO OVERSEE OR PREVENT OPERATION OF DAY CARE CENTER — ATTORNEY GENERAL MAY SEEK INJUNCTION, WHEN. — 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of **[**~~an infraction~~**] a class C misdemeanor** for the first offense and shall be assessed a fine not to exceed **[**~~two~~**] seven** hundred **fifty** dollars and shall be guilty of a class A misdemeanor and shall be assessed a fine of up to two **[**~~hundred~~**] thousand** dollars per day, not to exceed a total of ten thousand dollars for subsequent offenses. In case such guilty person is a corporation, association, institution or society,

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the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health and senior services proposes to deny, suspend, place on probation or revoke a license, the department of health and senior services shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of health and senior services. If no written request for a hearing is received by the department of health and senior services within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing.

3. The department of health and senior services may issue letters of censure or warning without formal notice or hearing. Additionally, the department of health and senior services may place a licensee on probation pursuant to chapter 621.

4. The department of health and senior services may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of health and senior services finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of health and senior services. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of health and senior services within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of health and senior services, the department of health and senior services may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, **including an unlicensed, nonexempt facility,** the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility. **Failure by the department to file suit under the provisions of this subsection shall not be construed as creating any liability in tort or incurring other obligations or duties except as otherwise specified.**

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7. Any person who operates an unlicensed, nonexempt child-care facility in violation of the provisions of sections 210.201 to 210.245 shall be liable for a civil penalty of not less than seven hundred fifty dollars and not more than two thousand dollars. The department shall serve upon such person written notice of the department's findings as to the child-care facility's unlicensed, nonexempt status, along with educational materials about Missouri's child-care facility laws and regulations, how a facility may become exempt or licensed, and penalties for operating an unlicensed, nonexempt child-care facility. The notice shall contain a statement that the person shall have thirty days to become compliant with sections 210.201 to 210.245, including attaining exempt status or becoming licensed. The person's failure to do so shall result in a civil action in the circuit court of Cole County or criminal charges under this section. If, following the receipt of the written notice, the person operating the child-care facility fails to become compliant with sections 210.201 to 210.245, the department may bring a civil action in the circuit court of Cole County against such person. The department may, but shall not be required to, request that the attorney general bring the action in place of the department. No civil action provided by this subsection shall be brought if the criminal penalties under subsection 1 of this section have been previously ordered against the person for the same violation. Failure by the department to file suit under the provisions of this subsection shall not be construed as creating any liability in tort or incurring other obligations or duties except as otherwise specified.

8. There shall be established the "Family Child Care Provider Fund" in the state treasury, which shall consist of such funds as appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall by used solely by the department for the dissemination of information concerning compliance with child-care facility laws and regulations, including licensed or exempt status; educational initiatives relating to, inter alia, child care, safe sleep practices, and child nutrition; and the provision of financial assistance on the basis of need for family child care homes to become licensed, as determined by the department and subject to available moneys in the fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

210.252. FIRE, SAFETY, HEALTH AND SANITATION INSPECTIONS, PROCEDURE — VARIANCES TO RULES GRANTED WHEN — RULES AUTHORIZED. — 1. All buildings and premises used by a child-care facility to care for more than **[**~~four~~**] six** children except those exempted from the licensing provisions of the department of health and senior services pursuant to subdivisions (1), (2), (3), **[**~~(4) and (6)~~**] and (5)** of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, the marshal's designee or officials of a local fire district and for health and sanitation by the department of health and senior services or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child-care facility.

2. Local inspection of child-care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

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3. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health and senior services shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health and senior services shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.252 to 210.256 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.254. RELIGIOUS ORGANIZATION OPERATING FACILITIES EXEMPT UNDER LICENSING LAWS REQUIRED TO FILE PARENTAL NOTICE OF RESPONSIBILITY AND FIRE, SAFETY INSPECTIONS ANNUALLY. — 1. Child-care facilities operated by religious organizations pursuant to the exempt status recognized in subdivision **[**~~(5)~~**] (4) of subsection 1** of section 210.211 shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the child-care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the department of health and senior services other than as provided herein and that the facility has been inspected by those designated in section 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to 210.257;

(2) The names, addresses and telephone numbers of agencies and authorities which inspect the facility for fire, health and safety and the date of the most recent inspection by each;

(3) The staff/child ratios for enrolled children under two years of age, for children ages two to four and for those five years of age and older as required by the department of health and senior services regulations in licensed facilities, the standard ratio of staff to number of children for each age level maintained in the exempt facility, and the total number of children to be enrolled by the facility;

(4) Notification that background checks have been conducted under the provisions of section 210.1080;

(5) The disciplinary philosophy and policies of the child-care facility; and

(6) The educational philosophy and policies of the child-care facility.

3. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child-care facility and the individual primarily responsible for the religious organization conducting the child-care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the department of health and senior services.

210.565. RELATIVES OF CHILD SHALL BE GIVEN FOSTER HOME PLACEMENT, WHEN — RELATIVE, DEFINED — ORDER OF PREFERENCE — SPECIFIC FINDINGS REQUIRED, WHEN — SIBLING PLACEMENT — AGE OF RELATIVE NOT A FACTOR, WHEN — FEDERAL REQUIREMENTS TO BE FOLLOWED FOR PLACEMENT OF NATIVE AMERICAN CHILDREN — WAIVER OF CERTAIN STANDARDS, WHEN — GAL TO ASCERTAIN CHILD'S WISHES, WHEN. — 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, the children's division shall make diligent efforts to locate the grandparents**, adult siblings, and parents of siblings** of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

2. As used in this section, the **[**~~term~~**] following terms shall mean:**

(1) "Adult sibling", any brother or sister of whole or half-blood who is at least eighteen years of age;

(2) "Relative" **[**~~means~~**] ,** a grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child's family. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter**;**

(3) "Sibling", one of two or more individuals who have one or both parents in common through blood, marriage, or adoption, including siblings as defined by the child's tribal code or custom.

3. The following shall be the order or preference for placement of a child under this section:

(1) Grandparents;

(2) **Adult siblings or parents of siblings;**

(3) Relatives related by blood or affinity within the third degree;

[~~(3)~~**] (4)** Other relatives; and

[~~(4)~~**] (5)** Any foster parent who is currently licensed and capable of accepting placement of the child.

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record

detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives.

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative.

7. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

8. A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the grandparent's or relative's home. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.

210.1014. AMBER ALERT SYSTEM OVERSIGHT COMMITTEE CREATED, DUTIES, MEMBERS, COMPENSATION — RULEMAKING AUTHORITY. — 1. There is hereby created the "Amber Alert System Oversight Committee", whose primary duty shall be to develop criteria and procedures for the Amber alert system and shall be housed within the department of public safety. The committee shall regularly review the function of the Amber alert system and revise its criteria and procedures in cooperation with the department of public safety to provide for efficient and effective public notification **and meet at least annually to discuss potential improvements to the Amber alert system**. As soon as practicable, the committee shall adopt criteria and procedures to expand the Amber alert system to provide urgent public alerts related to homeland security, criminal acts, health emergencies, and other imminent dangers to the public health and welfare.

2. The Amber alert system oversight committee shall consist of ten members of which seven members shall be appointed by the governor with the advice and consent of the senate. Such members shall represent the following entities: two representatives of the Missouri Sheriffs' Association; two representatives of the Missouri Police Chiefs Association; one representative of small market radio broadcasters; one representative of large market radio broadcasters; one representative of television broadcasters. The director of the department of public safety shall also be a member of the committee and shall serve as chair of the committee. Additional members shall include one representative of the highway patrol and one representative of the department of health and senior services. **Notwithstanding the provisions of this subsection, any Amber alert system oversight committee member, other than the director of the department of public safety and law enforcement committee members, may alternatively be a representative of the outdoor advertising industry, a representative of the Missouri broadcasters association, or a representative of the public at large; except that no more than one committee member shall be a representative of the outdoor advertising industry, no more than one committee**

member shall be a representative of the Missouri broadcasters association, and no more than one committee member shall be a representative of the public at large.

3. Members of the oversight committee shall serve a term of four years, except that members first appointed to the committee shall have staggered terms of two, three, and four years and shall serve until their successor is duly appointed and qualified.

4. Members of the oversight committee shall serve without compensation, except that members shall be reimbursed for their actual and necessary expenses required for the discharge of their duties.

5. The Amber alert system oversight committee shall promulgate rules for the implementation of the Amber alert system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

6. Amber alerts issued in this state may include an embedded Uniform Resource Locator (URL) that references a resource on the internet that provides additional information or technological capabilities.

7. (1) The provisions of this subsection shall be known and may be cited as the "Honing Alerts Issued by Law Enforcement for Youth Safety Act," or "HAILEY'S Law".

(2) The Amber alert system shall be integrated into the Missouri uniform law enforcement system (MULES) and the Regional Justice Information Service (REJIS) to expedite the reporting of child abductions.

8. The Amber alert system oversight committee shall submit a report to the general assembly on or before January 1, 2020, and annually thereafter, regarding the activities and rules promulgated throughout the preceding year. The report shall include the following:

(1) The changes in criteria and procedures for the Amber alert system;

(2) The Amber alert system oversight committee's review of the function of the Amber alert system;

(3) The meeting notices and minutes;

(4) A list of members;

(5) Reimbursements; and

(6) Any new rules promulgated.

210.1080. BACKGROUND CHECKS REQUIRED — DEFINITIONS — PROCEDURE — INELIGIBLE FOR EMPLOYMENT, WHEN — EXEMPTION, WHEN — EMERGENCY RULES. — 1. As used in this section, the following terms mean:

(1) "Child care staff member", a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen years of age and older;

(2) "Criminal background check":

(a) A Federal Bureau of Investigation fingerprint check;

(b) A search of the National Crime Information Center's National Sex Offender Registry; and

(c) A search of the following registries, repositories, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five years:

a. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

b. The state sex offender registry or repository; and

c. The state-based child abuse and neglect registry and database.

2. (1) Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt child care facility, the child care provider shall request the results of a criminal background check for such child care staff member from the department of health and senior services.

(2) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.

(3) A family child care home, group child care home, child care center, or license-exempt child care facility that has child care staff members at the time this section becomes effective shall request the results of a criminal background check for all child care staff members by January 31, 2019, unless the requirements of subsection 5 of this section are met by the child care provider and proof is submitted to the department of health and senior services by January 31, 2019.

3. The costs of the criminal background check shall be the responsibility of the child care staff member but may be paid or reimbursed by the child care provider at the provider's discretion. The fees charged for the criminal background check shall not exceed the actual cost of processing and administration.

4. Except as otherwise provided in subsection 2 of this section, upon completion of the criminal background check, any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, a group child care home, a licensed child care center, or a license-exempt child care facility if such person:

(1) Refuses to consent to the criminal background check as required by this section;

(2) Knowingly makes a materially false statement in connection with the criminal background check as required by this section;

(3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(4) Has a finding of child abuse or neglect under section 210.145 or 210.152 or any other finding of child abuse or neglect based on any other state's registry or database;

(5) Has been convicted of a felony consisting of:

(a) Murder, as described in 18 U.S.C. Section 1111;

(b) Child abuse or neglect;

(c) A crime against children, including child pornography;

(d) Spousal abuse;

(e) A crime involving rape or sexual assault;

(f) Kidnapping;

(g) Arson;

(h) Physical assault or battery; or

(i) Subject to subsection 5 of this section, a drug-related offense committed during the preceding five years;

(6) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or

(7) Has been convicted of any similar crime in any federal, state, municipal, or other court.

Adult household members seventeen years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one or more of the provisions of this subsection applies to them.

5. A child care provider shall not be required to submit a request for a criminal background check under this section for a child care staff member if:

(1) The staff member received a criminal background check within five years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(2) The department of health and senior services provided to the first provider a qualifying criminal background check result, consistent with this section, for the staff member; and

(3) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty consecutive days.

6. (1) The department of health and senior services shall process the request for a criminal background check for any prospective child care staff member or child care staff member as expeditiously as possible, but not to exceed forty-five days after the date on which the provider submitted the request.

(2) The department shall provide the results of the criminal background check to the child care provider in a statement that indicates whether the prospective child care staff member or child care staff member is eligible or ineligible for employment or presence at the child care facility. The department shall not reveal to the child care provider any disqualifying crime or other related information regarding the prospective child care staff member or child care staff member.

(3) If such prospective child care staff member or child care staff member is ineligible for employment or presence at the child care facility, the department shall, when providing the results of criminal background check, include information related to each disqualifying crime or other related information, in a report to such prospective child care staff member or child care staff member, along with information regarding the opportunity to appeal under subsection 7 of this section.

7. The prospective child care staff member or child care staff member may appeal in writing to the department to challenge the accuracy or completeness of the information contained in his or her criminal background check, or to offer information mitigating the results and explaining why an eligibility exception should be granted. The department of health and senior services shall attempt to verify the accuracy of the information challenged by the individual, including making an effort to locate any missing disposition information related to the disqualifying crime. The appeal shall be filed within ten days from the delivery or mailing of the notice of ineligibility. The department shall make a decision on the appeal in a timely manner.

8. The department may adopt emergency rules to implement the requirements of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

9. (1) The provisions of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision **[**~~(5)~~**] (4)** of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.

(2) The provisions of this section, and any rules or regulations promulgated under this section, shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal funds from the CCDBG.

452.377. RELOCATION OF CHILD BY PARENT FOR MORE THAN NINETY DAYS, REQUIRED PROCEDURE — VIOLATION, EFFECT — NOTICE OF RELOCATION OF PARENT, REQUIRED PROCEDURE. — 1. For purposes of this section and section 452.375, "relocate" or "relocation" means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. Notice of a proposed relocation of the residence of the child, or any party entitled to custody or visitation of the child, shall be given in writing by certified mail, return receipt requested, to any party with custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of a child, if applicable; **[**~~and~~**]**

(5) A proposal for a revised schedule of custody or visitation with the child, if applicable**; and**

(6) The other party's right, if that party is a parent, to file a motion, pursuant to this section, seeking an order to prevent the relocation and an accompanying affidavit setting forth the specific good faith factual basis for opposing the relocation within thirty days of receipt of the notice.

3. If a party seeking to relocate a child is a participant in the address confidentiality program under section 589.663, such party shall not be required to provide the information in subdivision (1) of subsection 2 of this section, but may be required to submit such information under seal to the court for in camera review. Prior to disclosure of this information, a court shall comply with the provisions of section 589.664.

4. A party required to give notice of a proposed relocation pursuant to subsection 2 of this section has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

5. In exceptional circumstances where the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:

(1) The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the pleadings, notice, other documents filed in the proceeding or the final order except for an in camera disclosure;

(2) The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

(3) Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.

6. The court shall consider a failure to provide notice of a proposed relocation of a child as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

7. If the parties agree to a revised schedule of custody and visitation for the child, which includes a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing.

8. The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a parent files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit setting forth the specific **good-faith** factual basis supporting a prohibition of the relocation. The person seeking relocation shall file a response to the motion within fourteen days, unless extended by the court for good cause, and include a counter-affidavit setting forth the facts in support of the relocation as well as a proposed revised parenting plan for the child.

9. If relocation of the child is proposed, a third party entitled by court order to legal custody of or visitation with a child and who is not a parent may file a cause of action to obtain a revised schedule of legal custody or visitation, but shall not prevent a relocation.

10. The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

11. If relocation is permitted:

(1) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrants otherwise; and

(2) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

12. After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language:

"Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; **[**~~and~~**]**

(5) A proposal for a revised schedule of custody or visitation with the child**; and**

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(6) The other party's right, if that party is a parent, to file a motion, pursuant to Section 452.377, RSMo, seeking an order to prevent the relocation and an accompanying affidavit setting forth the specific good-faith factual basis for opposing the relocation within thirty days of receipt of the notice.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice.".

13. A participant in the address confidentiality program under section 589.663 shall not be required to provide a requesting party with the specific physical or mailing address of the child's proposed relocation destination, but in the event of an objection by a requesting party, a participant may be required to submit such information under seal to the court for in camera review. Prior to disclosure of this information, a court shall comply with the provisions of section 589.664.

14. Violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

15. Any party who objects in good faith to the relocation of a child's principal residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

454.507. FINANCIAL INSTITUTIONS, DIVISION MAY REQUEST INFORMATION, WHEN, FEES — DEFINITIONS — DATA MATCH SYSTEM — NOTICE OF LIEN. — 1. In addition to the authority of the division to request information pursuant to section 454.440, the division may request information from financial institutions pursuant to this section.

2. As used in this section:

(1) "Account" includes a demand deposit, checking or negotiable withdrawal order account, savings account, time deposit account or money market mutual fund account**, or individual retirement account qualified pursuant to Section 408 or 408A of the Internal Revenue Code**;

(2) "Encumbered assets", the noncustodial parent's interest in an account which is encumbered by a lien arising by operation of law or otherwise;

(3) "Financial institution" includes:

(a) A depository institution as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. Section 1813(c));

(b) An institution affiliated party as defined in Section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Section 1813(u));

(c) Any federal credit union or state credit union, as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. Section 1752), including an institution affiliated party of such a credit union as defined in Section 206(r) of the Federal Credit Union Act (12 U.S.C. Section 1786(r)); or

(d) Any benefit association, insurance company, safe deposit company, money market fund or similar entity authorized to do business in the state.

3. The division **and each financial institution doing business in this state** shall enter into **[**~~agreements with financial institutions~~**] an agreement** to develop and operate a data match system which uses automated exchanges to the maximum extent feasible**, unless the financial institution**

does business in two or more states and enters into an agreement with the federal Office of Child Support Enforcement to effectuate a data match. Such agreements shall require the financial institution to provide to the division, for each calendar quarter, the name, record address, Social Security number or other taxpayer identification number, and other identifying information of each noncustodial parent who maintains an account at such institution and who owes past due support, as identified by the division by name and Social Security number or other taxpayer identification number. The financial institution shall only provide such information stated in this subsection that is readily available through existing data systems, and as such data systems are enhanced, solely at the financial institution's discretion and for its business purposes, the financial institution shall provide any original and additional information which becomes readily available for any new data match request.

4. The division shall pay a reasonable fee to the financial institution for conducting the data match pursuant to this section, but such amount shall not exceed the costs incurred by the financial institution.

5. The division or a IV-D agency may issue liens against any account in a financial institution and may release such liens.

6. (1) If a notice of lien is received from the division or a IV-D agency, the financial institution shall immediately encumber the assets held by such institution on behalf of any noncustodial parent who is subject to such lien. However, if the account is in the name of a noncustodial parent and such parent's spouse or parent, the financial institution at its discretion may not encumber the assets and when it elects not to encumber such assets, shall so notify the division or IV-D agency. The amount of assets to be encumbered shall be stated in the notice and shall not exceed the amount of unpaid support due at the time of issuance. The financial institution shall, within ten business days of receipt of a notice of lien, notify the division or IV-D agency of the financial institution's response to the notice of lien.

(2) Within ten business days of notification by the financial institution that assets have been encumbered, the division or IV-D agency shall notify by mail the noncustodial parent of the issuance of the lien and the reasons for such issuance. The notice shall advise the noncustodial parent of the procedures to contest such lien pursuant to section 454.475 by requesting a hearing within thirty days from the date the notice was mailed by the division to the noncustodial parent.

7. (1) Except as provided in subsection 6 of this section, the interest of the noncustodial parent shall be presumed equal to all other joint owners, unless at least one of the joint owners provides the division or IV-D agency with a true copy of a written agreement entered prior to the date of issuance of notice of lien, or other clear and convincing evidence regarding the various ownership interests of the joint owners within **[**~~twenty~~**]** **thirty** days of the **[**~~financial institution's~~**]** **division's or IV-D agency's** mailing of the notice **[**~~of lien~~**]** **to the noncustodial parent**. The financial institution shall only encumber the amount presumed to belong to the noncustodial parent. The division or IV-D agency may proceed to issue an order for the amount in the account presumed to belong to the noncustodial parent if no prior written agreement or other evidence is provided.

(2) If a prior written agreement or other clear and convincing evidence is furnished to the division, and based on such agreement or evidence the division or IV-D agency determines that the interest of the noncustodial parent is less than the presumed amount, the division or IV-D agency shall amend the lien to reflect the amount in the account belonging to the noncustodial parent or shall release the lien if the noncustodial parent has no interest in the account. In no event shall the division or IV-D agency obtain more than the presumed amount of the account without a judicial determination that a greater amount of the account belongs to the noncustodial parent. The

division or IV-D agency may by levy and execution on a judgment in a court of competent jurisdiction seek to obtain an amount greater than the amount presumed to belong to the noncustodial parent upon proof that the noncustodial parent's interest is greater than the amount presumed pursuant to this subsection.

(3) For purposes of this subsection, accounts are not joint accounts when the noncustodial parent has no legal right to the funds, but is either a contingent owner or agent. Such nonjoint accounts shall include, but are not limited to, a pay-on-death account or any other account in which the noncustodial parent owner may act as agent by a power of attorney or otherwise. Furthermore, when any account naming the noncustodial parent has not been disclosed to the noncustodial parent which is evidenced by a signature card or other deposit agreement not containing the signature of such noncustodial parent, then for the purposes of this subsection, such account shall not be treated as a joint account.

(4) Notwithstanding any other provision of this section, a financial institution shall not encumber any account of less than one hundred dollars.

8. Upon service of an order to surrender issued pursuant to this section, any financial institution in possession of a jointly owned account may interplead such property as otherwise provided by law.

9. Any other joint owner may petition a court of competent jurisdiction for a determination that the interests of the joint owners are disproportionate. The party filing the petition shall have the burden of proof on such a claim. If subject to the jurisdiction of the court, all persons owning affected accounts with a noncustodial parent shall be made parties to any proceeding to determine the respective interests of the joint owners. The court shall enter an appropriate order determining the various interests of each of the joint owners and authorizing payment against the obligor's share for satisfaction of the child support or maintenance obligation.

10. The court may assess costs and reasonable attorney's fees against the noncustodial parent if the court determines that the noncustodial parent has an interest in the affected joint account.

11. The division may order the financial institution to surrender all or part of the encumbered assets. The order shall not issue until sixty days after the notice of lien is sent to the financial institution. The financial institution shall, within seven days of receipt of the order, pay the encumbered amount as directed in the order to surrender.

12. A financial institution shall not be liable pursuant to any state or federal law, including 42 U.S.C. Section 669A, to any person for:

(1) Any disclosure of information to the division pursuant to this section;

(2) Encumbering or surrendering any assets held by the financial institution in response to a lien or order pursuant to this section and notwithstanding any other provisions in this section to the contrary, encumbering or surrendering assets from any account in the financial institution connected in any way to the noncustodial parent; or

(3) Any other action taken in good faith to comply with the requirements of this section.

13. A financial institution that fails without due cause to comply with a notice of lien or order to surrender issued pursuant to this section shall be liable for the amount of the encumbered assets and the division may bring an action against the financial institution in circuit court for such amount. For purposes of this subsection, "due cause" shall include, but not be limited to, when a financial institution demonstrates to a court of competent jurisdiction that the institution established in good faith a routine to comply with the requirements of this section and that one or more transactions to enforce the lien or order to surrender were not completed due to an accidental error, a misplaced computer entry, or other accidental human or mechanical problems.

454.600. DEFINITIONS. — As used in sections 454.600 to 454.645, the following terms mean:

(1) "Court", any circuit court establishing a support obligation pursuant to an action under this chapter, chapter 210, chapter 211 or chapter 452;

(2) "Director", the director of the family support division of the department of social services;

(3) "Division", the family support division of the department of social services;

(4) "Employer", any individual, organization, agency, business or corporation hiring an obligor for pay;

(5) "Health benefit plan", any benefit plan or combination of plans **[**~~, other than public assistance programs,~~**]** providing medical or dental care or benefits through insurance or otherwise, including but not limited to**,** health service corporations, as defined in section 354.010; prepaid dental plans, as defined in section 354.700; health maintenance organization plans, as defined in section 354.400; and self-insurance plans, to the extent allowed by federal law;

(6) "Minor child", a child for whom a support obligation exists under law;

(7) "Obligee", a person to whom a duty of support is owed or a person, including any division of the department of social services, who has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order, regardless of whether the person to whom a duty of support is owed is a recipient of public assistance;

(8) "Obligor", a person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced;

(9) "IV-D case", a case in which support rights have been assigned to the state of Missouri pursuant to section 208.040, or in which the family support division is providing support enforcement services pursuant to section 454.425.

454.603. HEALTH BENEFIT PLAN MAY BE REQUIRED — TERMS — ORDER OF COVERAGE — LIABILITY FOR EXPENSES NOT COVERED — ABATEMENT, TERMINATION OF COVERAGE. — 1. At any state of a proceeding in which the circuit court or the division has jurisdiction to establish or modify an order for child support, including but not limited to actions brought pursuant to this chapter, chapters 210, 211, and 452, the court or the division shall determine whether to require a parent to provide medical care for the child through a health benefit plan.

2. **[**~~With or without the agreement of the parents,~~**]** The court or the division may require that a child be covered under a health benefit plan **that is accessible to the child**. Such a requirement shall be imposed **in any IV-D case. The court or division shall require that a child be covered under a private health benefit plan** whenever **such** a health benefit plan is available at reasonable cost through a parent's employer or union **[**~~or in any IV-D case~~**]**. If **[**~~such~~**]** a **private health benefit** plan is not available at reasonable cost through an employer or union **[**~~and the case is not a IV-D case~~**]**, the court**,** in determining whether to require a parent to provide such coverage, shall consider:

(1) The best interests of the child;

(2) The child's present and anticipated needs for medical care;

(3) The financial ability of the parents to afford the cost of a health benefit plan; and

(4) The extent to which the cost of the health benefit plan is subsidized or reduced by participation on a group basis or otherwise.

3. To the extent that such options are available under the terms of the health benefit plan, an order may specify required terms of the health benefit plan, including:

(1) Minimum required policy limits;

(2) Minimum required coverage;

(3) Maximum terms for deductibles or required co-payments; or

(4) Other significant terms, including, but not limited to, any provision required for a health benefit plan under the federal Employee Retirement Income Security Act of 1974, as amended.

4. If the child is not covered by a **private** health benefit plan but such a plan is available to one of the parents **at a reasonable cost**, the court or the division shall order that coverage under the health benefit plan be provided for the child**,** unless there is available to the other parent a **private** health benefit plan with comparable or better benefits at comparable or reduced cost. If **private** health benefit plans are available to both parents upon terms which provide comparable benefits and costs, the court or the division shall determine which health benefit plan, if any, shall be required, giving due regard to the possible advantages of each plan.

5. The court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the minor child that are not covered by the required health benefit plan coverage if:

(1) The court finds that the health benefit plan coverage required to be obtained by the obligor or available to the obligee does not pay all the reasonable and necessary medical or dental expenses of the minor child; and

(2) The court finds that the obligor has the financial resources to contribute to the payment of these medical or dental expenses; and

(3) The court finds the obligee has substantially complied with the terms of the health benefit coverage.

6. The cost of health benefit plan employee contributions or premiums shall not be a direct offset to child support awards established pursuant to this chapter, chapters 210, 211, and 452, but it shall be considered when determining the amount of child support to be paid by the obligor.

7. If two or more health benefit plans are available to one or both parents that are complementary to one another or are compatible as primary and secondary coverage for the child, the court or the division may order each parent to maintain one or more health benefit plans for the child.

8. Prior to terminating enrollment in a health benefit plan or changing from one health benefit plan to another, consideration by the court or division shall be given to the child's medical condition and best interests and whether there is reason to believe that a new health benefit plan would omit or limit benefits because of a preexisting condition.

9. An abatement of a parent's child support obligation shall not automatically abate that parent's duty to provide for the child's health care needs. Unless an order of the court or the division specifically provides for abatement or termination of health care coverage, an order to maintain health benefits or otherwise provide for a child's health care needs shall continue in force until further order of the court or the division, or until the child's right to parental support terminates.

513.430. PROPERTY EXEMPT FROM ATTACHMENT — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract, and up to fifteen thousand dollars of any matured life insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the spouse, child, or parent of the beneficiary;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.014, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal

separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to **[**~~Section~~**]** **Sections 408 and** 408A of the Internal Revenue Code of 1986, as amended.

566.147. CERTAIN OFFENDERS NOT TO RESIDE WITHIN ONE THOUSAND FEET OF A PROPERTY LINE OF A SCHOOL, CHILD CARE FACILITY, OR VICTIM'S RESIDENCE — VIOLATIONS, PENALTIES. — 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location. Such person shall also not reside within one thousand feet of the property line of the residence of a former victim of such person.

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, or a former victim subsequently resides on property with a property line within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, or the former victim residing on the property, notify the county sheriff where such public school, private school, child care facility, or residence of a former victim is located that he or she is now residing within one thousand feet of such public school, private school, child care facility, or property line of the residence of a former victim, and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility, or the former victim residing on the property.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory**, but shall not include transitory or longer term presence in facilities licensed under chapters 197 and 198 for purposes of receiving care, treatment, or services from such licensed facility**.

4. For the purposes of the section, one thousand feet shall be measured from the edge of the offender's property nearest the public school, private school, child care facility, or former victim to the nearest edge of the public school, private school, child care facility, or former victim's property.

5. Violation of the provisions of subsection 1 of this section is a class E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E felony.

567.020. PROSTITUTION — PENALTY — AFFIRMATIVE DEFENSE. — 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the coercion, as defined in section 566.200, of an agent at the time of the offense charged. **In such cases where the defendant was under the age of eighteen, the defendant shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported, as required under section 210.115.**

567.050. PROMOTING PROSTITUTION IN THE FIRST DEGREE — PENALTY. — 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; **[**~~or~~**]**

(2) Promotes prostitution of a person less than sixteen years of age**; or**

(3) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another. As used in this subdivision, the term "interactive computer service" shall mean: any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

2. The term "compelling" includes:

(1) The use of forcible compulsion;

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. **(1)** The offense of promoting prostitution in the first degree under subdivision (1) **or (3)** of subsection 1 of this section is a class B felony.

(2) The offense of promoting prostitution in the first degree under subdivision (3) of subsection 1 of this section is a class A felony if a person acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation under section 566.209.

(3) The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.

4. A person injured by the acts committed in violation of subdivision (3) of subsection 1 of this section or subdivision (2) of subsection 3 of this section shall have a civil cause of action to recover damages and reasonable attorneys' fees for such injury.

5. In addition to the court's authority to order a defendant to make restitution for the damage or loss caused by his or her offense as provided in section 559.105, the court shall enter a judgment of restitution against the defendant convicted of violating subdivision (3) of subsection 1 of this section and subdivision (2) of subsection 3 of this section.

578.421. DEFINITIONS. — As used in sections 578.421 to 578.437, the following terms mean:

(1) "Criminal street gang", any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in subdivision (2) of this section, which has a common

name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;

(2) "Pattern of criminal street gang activity", the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons:

(a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and 565.052;

(b) Robbery, arson and those offenses under chapter 569 which are related to robbery and arson;

(c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

(d) Any violation of the provisions of chapter 579 which involves the distribution, delivery or manufacture of a substance prohibited by chapter 579;

(e) Unlawful use of a weapon which is a felony pursuant to section 571.030; **[**~~or~~**]**

(f) Tampering with witnesses and victims, as provided in section 575.270**;**

(g) Promoting online sexual solicitation, as provided in section 566.103;

(h) Sexual trafficking of a child in the first degree, as provided in section 566.210;

(i) Sexual trafficking of a child in the second degree, as provided in section 566.211;

(j) Patronizing prostitution, as provided in subsection 4 of section 567.030;

(k) Promoting prostitution in the first degree, as provided in section 567.050;

(l) Promoting prostitution in the second degree, as provided in section 567.060;

(m) Abuse or neglect of a child, as provided in subsection 6 of section 568.060;

(n) Sexual exploitation of a minor, as provided in section 573.023;

(o) Child used in sexual performance, as provided in section 573.200; or

(p) Promoting sexual performance by a child, as provided in section 573.205.

578.423. PARTICIPATING KNOWINGLY IN CRIMINAL STREET GANG ACTIVITIES, PENALTY — PERSONS BETWEEN AGES OF FOURTEEN AND SEVENTEEN PARTICIPATING TO BE TRANSFERRED TO COURTS OF GENERAL JURISDICTION. — Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years. **[**~~For any person between the ages of fourteen and seventeen who is alleged to have violated the provisions of sections 578.421 to 578.437 the prosecuting attorney or circuit attorney may move for dismissal of a petition and transfer to a court of general jurisdiction.~~**]**

610.131. EXPUNGEMENT FOR PERSONS LESS THAN EIGHTEEN YEARS OF AGE AT TIME OF OFFENSE. — 1. Notwithstanding the provisions of section 610.140 to the contrary, **[**~~an individual~~**] a person** who at the time of the offense was under the age of eighteen, and has pleaded guilty or has been convicted for the offense of prostitution under section 567.020 may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines **[**~~, after a hearing,~~**]** that such person was **under the age of eighteen or was** acting under the coercion, as defined in section 566.200, of an agent when committing the offense that resulted in a plea of guilty or conviction under section 567.020, the court shall enter an order of expungement.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

SECTION B. EMERGENCY CLAUSE. — Because of the necessity of securing the safety and welfare of children being cared for in certain child care facilities, the repeal and reenactment of sections 210.221 and 566.147 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 210.221 and 566.147 of this act shall be in full force and effect upon its passage and approval.

Approved July 11, 2019

HCS HBs 448 & 206

Enacts provisions relating to the designation of a memorial highway.

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

SECTION

A. Enacting clause.
227.548 Rep. Cloria Brown Memorial Highway designated.

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

SECTION A. ENACTING CLAUSE. — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.548, to read as follows:

227.548. REP. CLORIA BROWN MEMORIAL HIGHWAY DESIGNATED. — The portion of U.S. 61/67/50/Lindbergh Boulevard from the Interstate 55 interchange continuing north to Lin Ferry Drive in St. Louis County shall be designated as "Rep. Cloria Brown Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved March 25, 2019

CCS SS HCS#2 HB 499

Enacts provisions relating to transportation, with penalty provisions.

AN ACT to repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with penalty provisions.

SECTION

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

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION A. ENACTING CLAUSE. — Sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 136.055, 227.453, 227.454, 227.457, 227.458, 227.459, 227.460, 227.461, 227.462, 227.469, 227.471, 227.547, 227.549, 227.550, 227.800, 227.801, 227.802, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, to read as follows:

136.055. AGENT TO COLLECT MOTOR VEHICLE TAXES AND ISSUE LICENSES — AWARDING OF FEE OFFICES — FEES — AUDIT OF RECORDS, WHEN. — 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or **[**~~transferred—three~~**]** **transferred, six** dollars **[**~~and fifty cents~~**]** and **[**~~seven~~**]** **twelve** dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of **[**~~title—two~~**]** **title, six** dollars **[**~~and fifty cents~~**]**;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or **[**~~less—two~~**]** **less, six** dollars **[**~~and fifty cents~~**]** and **[**~~five~~**]** **twelve** dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien **[**~~processed—two~~**]** **processed, six** dollars **[**~~and fifty cents~~**]**;

(5) **[**~~No~~**]** Notary fee or **[**~~other fee or additional charge shall be paid or collected except for~~**]** electronic **[**~~telephone~~**]** transmission **[**~~reception—two~~**]** **per processing, two** dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.

227.453. JAKE BECKLEY MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 79 IN MARION COUNTY. — The portion of State Highway 79 from Spring Street continuing north to North Street in the City of Hannibal in Marion County shall be designated as "Jake Beckley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.454. MOLLY BROWN MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 79 IN MARION COUNTY. — The portion of State Highway 79 from 5th Street continuing north to U.S. State Highway 36/Interstate 72 in the City of Hannibal in Marion County shall be designated as "Molly Brown Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.457. SGT PHILLIP ANDERSON MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 740 IN BOONE COUNTY. — The portion of State Highway 740 from Audubon Drive to .25 miles east of MO 763 in Boone County shall be designated the "SGT Phillip Anderson Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.458. SPC STEVEN FITZMORRIS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 740 IN BOONE COUNTY. — The portion of State Highway 740 from .25 miles east of MO 763 to .35 miles west of Providence Boulevard in Boone County shall be designated the "SPC Steven Fitzmorris Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.459. SPC JASON FINGAR MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 740 IN BOONE COUNTY. — The portion of State Highway 740 from .35 miles west of Providence Boulevard to .25 miles west of Forum Boulevard in Boone County shall be designated the "SPC Jason Fingar Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

227.460. SFC CHARLES SADELL MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 740 IN BOONE COUNTY. — The portion of State Highway 740 from .25 miles west of Forum Boulevard to .25 miles south of State Highway TT in Boone County shall be designated the "SFC Charles Sadell Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.461. SPC STERLING WYATT MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 740 IN BOONE COUNTY. — The portion of State Highway 740 from .25 miles south of State Highway TT to the intersection of State Highway E and Aaron Drive in Boone County shall be designated the "SPC Sterling Wyatt Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.462. RALPH BARRALE MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF I-70 IN ST. CHARLES COUNTY. — The portion of Interstate 70 from State Highway A continuing east to Lake St. Louis Boulevard in St. Charles County shall be designated as the "Ralph Barrale Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.469. MARY HERSCHEND MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 76. — The portion of State Highway 76 from Stonebridge Parkway continuing east to Old Highway 76 Road shall be designated as the "Mary Herschend Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.471. MARGUERITE ROSS BARNETT MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 115 IN ST. LOUIS COUNTY. — The portion of State Highway 115 from Bellerive Acres to Marietta Drive in St. Louis County shall be designated as "Marguerite Ross Barnett Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.547. FIREFIGHTER JEFF SANDERS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY E IN LAFAYETTE COUNTY. — The portion of State Highway E from Lafayette Street South to Outer Road 70 East in Lafayette County shall be designated the "Firefighter Jeff Sanders Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.549. WAYLON JENNINGS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY P IN ST. CHARLES COUNTY. — The portion of State Highway P from Dove Nest Lane continuing east to State Highway M in St. Charles County shall be designated as "Waylon Jennings Memorial Highway". Costs for such designation shall be paid by private donations.

227.550. FIREFIGHTER TRAVIS OWENS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 6 IN BUCHANAN COUNTY. — The portion of State Highway 6 beginning

from U.S. State Highway 169 continuing east to Riverside Road through the city of St. Joseph in Buchanan County shall be designated as "Firefighter Travis Owens Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid by private donations.

227.800. SENATOR PHIL B. CURLS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF I-70 IN JACKSON COUNTY. — The portion of Interstate 70 in Jackson County from the Blue Ridge Cutoff overpass continuing west to the Troost Avenue overpass shall be designated the "Senator Phil B. Curls Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.801. SENATOR PAULA J. CARTER MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF I-70 IN ST. LOUIS COUNTY. — The portion of Interstate 70 in the city of St. Louis from the Salisbury Street overpass continuing west to the Goodfellow Boulevard overpass shall be designated the "Senator Paula J. Carter Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.802. GERALD T. LIZOTTE, JR. MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 32 IN DENT COUNTY. — The portion of Highway 32 in Dent County from Highway 72 continuing east to Craig Industrial Drive in the city of Salem shall be designated the "Gerald T. Lizotte, Jr. Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

301.010. DEFINITIONS. — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

(4) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(5) "Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

(6) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

(7) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(12) "Director" or "director of revenue", the director of the department of revenue;

(13) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(15) "Farm tractor", a tractor used exclusively for agricultural purposes;

(16) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(18) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(19) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(20) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(21) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(22) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(23) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(24) "Junk vehicle", a vehicle which:

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

(25) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(26) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(27) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(28) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(29) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated at a forested site and in an area extending not more than a one hundred mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such

vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than three axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(30) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(31) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(32) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(33) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(36) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(37) "Motorcycle", a motor vehicle operated on two wheels;

(38) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(40) "Municipality", any city, town or village, whether incorporated or not;

(41) "Nonresident", a resident of a state or country other than the state of Missouri;

(42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(43) "Operator", any person who operates or drives a motor vehicle;

(44) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

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(45) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(47) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(48) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

(50) **"Recreational trailer", any trailer designed, constructed, or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle;**

(51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[~~(51)~~**]** **(52)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

[~~(52)~~**]** **(53)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[~~(53)~~**]** **(54)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or

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materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

[~~(54)~~**] (55)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[~~(55)~~**] (56)** "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

[~~(56)~~**] (57)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[~~(57)~~**] (58)** "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[~~(58)~~**] (59)** "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

[~~(59)~~**] (60)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[~~(60)~~**] (61)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[~~(61)~~**] (62)** "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributer, or dealer of such trailers or semitrailers;

[~~(62)~~**] (63)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[~~(63)~~**] (64)** "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and

used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010;

[~~(64)~~**] (65)** "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

[~~(65)~~**] (66)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[~~(66)~~**] (67)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

[~~(67)~~**] (68)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[~~(68)~~**] (69)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

[~~(69)~~**] (70)** "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

[~~(70)~~**] (71)** "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[~~(71)~~**] (72)** "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[~~(72)~~**] (73)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[~~(73)~~**] (74)** "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.067. TRAILER OR SEMITRAILER REGISTRATION REQUIRED, FEE — OPTIONAL PERIOD FEE FOR CERTAIN TRAILERS AND SEMITRAILERS — PERMANENT REGISTRATION ALLOWED,

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PROCEDURE. — 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the highways and transportation commission of the department of transportation. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer as defined in section 301.010 or semitrailer may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

4. Beginning August 28, 2019, the annual registration fees imposed under this section or section 301.030 for recreational trailers, as defined under section 301.010, shall be payable in the month of May each year. Any fee that would have been due in December 2019, shall be deferred until May 2020.

302.574. TEMPORARY PERMIT ISSUED BY OFFICER, WHEN — REPORT REQUIRED, CONTENTS — REVOCATION OF LICENSE, PROCEDURE — REINSTATEMENT, WHEN — FEES — PROOF OF INTERLOCK DEVICE, WHEN — VIOLATIONS, PENALTY. — 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. **Pursuant to local court rule promulgated pursuant to section 15 of article V of the Missouri Constitution, the case may also be assigned to a traffic judge pursuant to section 479.500.** The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court

determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but **[**~~may~~**] shall** not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of **[**~~alcohol and drug abuse~~**] behavioral health** under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of **[**~~alcohol and drug abuse~~**] behavioral health** of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person **[**~~must~~**] shall** maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this

section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

304.580. DEFINITIONS. — As used in sections 304.582 and 304.585, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms "worker" or "highway worker" as used in sections 304.582 and 304.585 shall mean any person **[**~~that~~**] who** is working in a construction zone or work zone **on a state highway or the right-of-way of a state highway**, **[**~~or~~**]** any employee of the department of transportation **[**~~that~~**] who** is performing duties under the department's motorist assist program on a state highway or the right-of-way of a state highway**, or any utility worker performing utility work on a state highway or the right-of-way of a state highway. "Utility worker" means any employee or person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned, while in performance of his or her job duties**.

304.585. ENDANGERMENT OF A HIGHWAY WORKER DEFINED — FINE, POINTS ASSESSED — AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER, FINE, POINTS ASSESSED — OFFENSE NOT APPLICABLE IN ABSENCE OF WORKERS IN ZONE — NO CITATION OR CONVICTION, WHEN. — 1. A person shall be deemed to commit the offense of "endangerment of a highway worker" upon conviction for any of the following when the offense occurs within a construction zone or work zone, as defined in section 304.580:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 4 of section 304.582;

(3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;

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(4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;

(5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or

(7) Committing any of the following offenses for which points may be assessed under section 302.302:

(a) Leaving the scene of an accident in violation of section 577.060;

(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

(c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;

(d) Operating with a suspended or revoked license;

(e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;

(f) Any felony involving the use of a motor vehicle.

2. Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker under subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than one thousand dollars and shall have four points assessed to his or her driver's license under section 302.302.

3. A person shall be deemed to commit the offense of "aggravated endangerment of a highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this section when such offense occurs in a construction zone or work zone as defined in section 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than five thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense resulted in death to a highway worker. In addition, such person shall have twelve points assessed to their driver's license under section 302.302 and shall be subject to the provisions of section 302.304 regarding the revocation of the person's license and driving privileges.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone.

5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker.

6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions contributed to his or her vehicle striking a highway worker within a designated construction zone or work zone where

department of transportation guidelines involving notice and signage were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.

(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:

(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or

(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the work zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

a. Whether the person was involved in a physical accident where his or her vehicle struck a highway worker within a designated construction or work zone;

b. Whether the department of transportation guidelines involving notice and signage were properly implemented in such work zone; and

c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a highway worker.

If the court determines subparagraph a., b., or c. of this paragraph not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

304.590. TRAVEL SAFE ZONE DEFINED — DOUBLING OF FINE FOR VIOLATION IN — SIGNAGE REQUIRED. — 1. As used in this section, the term "travel safe zone" means any area upon or around any highway, as defined in section 302.010, which is visibly marked by the department of transportation; and when a highway safety analysis demonstrates fatal or disabling motor vehicle crashes exceed a predicted safety performance level for comparable roadways as determined by the department of transportation.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court **[**~~shall~~**] may** double the amount of fine authorized to be imposed by law, if the moving violation or offense occurred within a travel safe zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation under section 304.009 or 304.010, the court **[**~~shall~~**] may** double the amount of fine authorized by law, if the violation occurred within a travel safe zone.

4. The penalty authorized under subsections **[**~~1~~**] 2** and 3 of this section shall only be assessed by the court if the department of transportation has erected signs upon or around a travel safe zone which are clearly visible from the highway and which state substantially the following message: "Travel Safe Zone — Fines Doubled".

5. This section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. OFFENSE OF ENDANGERMENT OF AN EMERGENCY RESPONDER, ELEMENTS — PENALTIES. — 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not

more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder within an active emergency zone where the appropriate visual markings for active emergency zones were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.

(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:

(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or

(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the emergency zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

a. Whether the person was involved in a physical accident where his or her vehicle struck an emergency responder within an active emergency zone;

b. Whether the guidelines involving notice and signage were properly implemented in such emergency zone; and

c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder.

If the court determines subparagraph a., b., or c. of this paragraph not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles.

479.500. TRAFFIC COURT MAY BE ESTABLISHED IN TWENTY-FIRST JUDICIAL CIRCUIT — APPOINTMENT OF JUDGES — PROCEDURE AND OPERATION — JURISDICTION — QUALIFICATION OF TRAFFIC JUDGES, COMPENSATION — PLEAS WITHOUT PERSONAL APPEARANCE — RECORDING OF PROCEEDINGS — COSTS OF ESTABLISHMENT AND OPERATION. — 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010 which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director

of revenue filed pursuant to sections 302.309 and 302.311 and, prior to January 1, 2002, pursuant to sections 302.535 and 302.750.

4. After January 1, 2002, traffic judges, in addition to the authority provided in subsection 3 of this section, may be authorized by local court rule adopted pursuant to Article V, Section 15 of the Missouri Constitution to conduct proceedings pursuant to sections 302.535**, 302.574,** and 302.750, subject to procedures that preserve a meaningful hearing before a judge of the circuit court, as follows:

(1) Conduct the initial call docket and accept uncontested dispositions of petitions to review;

(2) The petitioner shall have the right to the de novo hearing before a judge of the circuit court, except that, at the option of the petitioner, traffic judges may hear in the first instance such petitions for review.

5. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

6. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

7. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

8. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

9. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, except that the provisions of subsection 2 of section 512.180 shall not apply to such cases.

10. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

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11. All costs to establish and operate a county municipal court under section 66.010 and this section shall be borne by such county.

Approved July 9, 2019

SCS HCS HB 547

Enacts provisions relating to alternative methods for the disposal of cases in the judicial system.

AN ACT to repeal sections 56.765, 478.001, and 650.058, RSMo, and to enact in lieu thereof four new sections relating to alternative methods for the disposal of cases in the judicial system.

SECTION

A.	Enacting clause.
56.765	Funding — surcharge to be collected in criminal and infraction cases, exceptions — registration fees — funds created — audit — use of fund.
478.001	Treatment court divisions, definitions, establishment, purpose — referrals to certified treatment programs required, exception — completion of treatment program, effect — adult treatment court — DWI court — family treatment court — juvenile treatment court — veterans treatment court.
557.014	Prosecution diversion program — definitions — authority of prosecuting attorney — requirements and provisions applicable to prosecution diversion — completion and disposition of charges.
650.058	Individuals who are actually innocent may receive restitution, amount, petition, definition, limitations and requirements — guilt confirmed by DNA testing, procedures — petitions for restitution — order of expungement.

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

SECTION A. ENACTING CLAUSE. — Sections 56.765, 478.001, and 650.058, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 56.765, 478.001, 557.014, and 650.058, to read as follows:

56.765. FUNDING — SURCHARGE TO BE COLLECTED IN CRIMINAL AND INFRACTION CASES, EXCEPTIONS — REGISTRATION FEES — FUNDS CREATED — AUDIT — USE OF FUND. — 1. A surcharge of **[**~~one dollar~~**] five dollars** shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, including an infraction; except that no such surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

2. One-half of all moneys collected under the provisions of subsection 1 of this section shall be payable to the state of Missouri and remitted to the director of revenue who shall deposit the amount collected pursuant to this section to the credit of the "Missouri Office of Prosecution Services Fund" which is hereby created in the state treasury. The moneys credited to the Missouri office of prosecution services fund from each county shall be used only for the purposes set forth in sections 56.750, 56.755, and 56.760. The state treasurer shall be the custodian of the fund, and shall make disbursements, as allowed by lawful appropriations. All earnings resulting from the investment of money in the fund shall be credited to the Missouri office of prosecution services fund. The Missouri office of prosecution services may collect a registration fee to pay for expenses

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included in sponsoring training conferences. The revenues and expenditures of the Missouri office of prosecution services shall be subject to an annual audit to be performed by the Missouri state auditor. The Missouri office of prosecution services shall also be subject to any other audit authorized and directed by the state auditor.

3. One-half of all moneys collected under the provisions of subsection 1 of this section shall be payable to the county treasurer of each county from which such funds were generated. The county treasurer shall deposit all of such funds into the county treasury in a separate fund to be used solely for the purpose of additional training for circuit and prosecuting attorneys and their staffs. If the funds collected and deposited by the county are not totally expended annually for the purposes set forth in this subsection, then the unexpended moneys shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year, or at the request of the circuit or prosecuting attorney, with the approval of the county commission or the appropriate governing body of the county or the City of St. Louis, and may be used to pay for expert witness fees, travel expenses incurred by victim/witnesses in case preparation and trial, for expenses incurred for changes of venue, for expenses incurred for special prosecutors, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

4. There is hereby established in the state treasury the "Missouri Office of Prosecution Services Revolving Fund". Any moneys received by or on behalf of the Missouri office of prosecution services from registration fees, federal and state grants or any other source established in section 56.760 in connection with the purposes set forth in sections 56.750, 56.755, and 56.760 shall be deposited into the fund.

5. The moneys in the Missouri office of prosecution services revolving fund shall be kept separate and apart from all other moneys in the state treasury. The state treasurer shall administer the fund and shall disburse moneys from the fund to the Missouri office of prosecution services pursuant to appropriations for the purposes set forth in sections 56.750, 56.755 and 56.760.

6. Any unexpended balances remaining in the Missouri office of prosecution services fund and the Missouri office of prosecution services revolving fund at each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to general revenue.

478.001. TREATMENT COURT DIVISIONS, DEFINITIONS, ESTABLISHMENT, PURPOSE — REFERRALS TO CERTIFIED TREATMENT PROGRAMS REQUIRED, EXCEPTION — COMPLETION OF TREATMENT PROGRAM, EFFECT — ADULT TREATMENT COURT — DWI COURT — FAMILY TREATMENT COURT — JUVENILE TREATMENT COURT — VETERANS TREATMENT COURT. — 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

(1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;

(2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;

(3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;

(4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;

(5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court

in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

(6) "Juvenile treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of juveniles in the juvenile court;

(7) "Medication-assisted treatment", the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders;

(8) "Mental health disorder", any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive, volitional, or emotional function and that constitutes a substantial impairment in a person's ability to participate in activities of normal living;

(9) "Risk and needs assessment", an actuarial tool, approved by the treatment courts coordinating commission and validated on a targeted population of drug-involved adult offenders, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior;

(10) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home;

(11) "Treatment court commissioner", a person appointed by a majority of the circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment court division;

(12) "Treatment court division", a specialized, nonadversarial court division with jurisdiction over cases involving substance-involved offenders and making extensive use of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court divisions include, but are not limited to, the following specialized courts: adult treatment court, DWI court, family treatment court, juvenile treatment court, veterans treatment court, or any combination thereof;

(13) "Treatment court team", the following members who are assigned to the treatment court: the judge or treatment court commissioner, treatment court administrator or coordinator, prosecutor, public defender or member of the criminal defense bar, a representative from the division of probation and parole, a representative from law enforcement, substance use disorder treatment providers, and any other person selected by the treatment court team;

(14) "Veterans treatment court", a treatment court focused on substance use disorders, co-occurring disorders, or mental health disorders of defendants charged with a criminal offense who are military veterans or current military personnel.

2. A treatment court division **[**~~may~~**] shall** be established**, prior to August 28, 2021,** by any circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which stem from, or are otherwise impacted by, substance use. The treatment court division may include, but not be limited to, cases assigned to an adult treatment court, DWI court, family treatment court, juvenile treatment court, veterans treatment court, or any combination thereof. A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of participants. Except for good cause found by the court, a treatment court making a referral for substance use disorder treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the treatment court. Upon successful completion of the treatment court program, the charges, petition, or penalty against a treatment court participant may be dismissed, reduced, or modified, unless otherwise stated. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. An adult treatment court may be established by any circuit court under sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which stem from substance use.

4. Under sections 478.001 to 478.009, a DWI court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from driving while intoxicated.

5. A family treatment court may be established by any circuit court. The juvenile division of the circuit court or the family court, if one is established under section 487.010, may refer one or more parents or other household members subject to its jurisdiction to the family treatment court if he or she has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family.

6. A juvenile treatment court may be established by the juvenile division of any circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the juvenile is determined to have committed acts that violate the criminal laws of the state or ordinances of a municipality or county and a substance use disorder or co-occurring disorder contributed to the commission of the offense.

7. **The general assembly finds and declares that it is the public policy of this state to encourage and provide an alternative method for the disposal of cases for military veterans and current military personnel with substance use disorders, mental health disorders, or co-occurring disorders. In order to effectuate this public policy,** a veterans treatment court may be established by any circuit court, or combination of circuit courts upon agreement of the presiding judges of such circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a substance use disorder, mental health disorder, or co-occurring disorder of military veterans or current military personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol testing, and substance use and mental health disorder treatment to participants who have served or are currently serving the United States Armed Forces, including members of the Reserves or National Guard**, with preference given to individuals who have combat service. For the purposes of this section, combat service shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits**. Except for good cause found by the court, a veterans treatment court shall make a referral for substance use or mental health disorder treatment, or a combination of substance use and mental health disorder treatment, through the Department of Defense health care, the Veterans Administration, or a community-based substance use disorder treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program certified by the department of mental health, unless no appropriate certified treatment program is located within the same circuit as the veterans treatment court.

557.014. PROSECUTION DIVERSION PROGRAM — DEFINITIONS — AUTHORITY OF PROSECUTING ATTORNEY — REQUIREMENTS AND PROVISIONS APPLICABLE TO PROSECUTION DIVERSION — COMPLETION AND DISPOSITION OF CHARGES. — 1. As used in this section, the following terms shall mean:

(1) "Accusatory instrument", a warrant of arrest, information, or indictment;

(2) "Accused", an individual accused of a criminal offense, but not yet charged with a criminal offense;

(3) "Defendant", any person charged with a criminal offense;

(4) "Deferred prosecution", the suspension of a criminal case for a specified period upon the request of both the prosecuting attorney and the accused or the defendant;

(5) "Diversionary screening", the discretionary power of the prosecuting attorney to suspend all formal prosecutorial proceedings against a person who has become involved in the criminal justice system as an accused or defendant;

(6) "Prosecution diversion", the imposition of conditions of behavior and conduct by the prosecuting attorney upon an accused or defendant for a specified period of time as an alternative to proceeding to adjudication on a complaint, information, or indictment;

(7) "Prosecuting attorney", includes the prosecuting attorney or circuit attorney for each county of the state and the city of St. Louis.

2. Each prosecuting attorney in the state of Missouri shall have the authority to, upon agreement with an accused or a defendant, divert a criminal case to a prosecution diversion program for a period of six months to two years, thus allowing for any statute of limitations to be tolled for that time alone. The period of diversion may be extended by the prosecuting attorney as a disciplinary measure or to allow sufficient time for completion of any portion of the prosecution diversion including restitution; provided, however, that no extension of such diversion shall be for a period of more than two years.

3. The prosecuting attorney may divert cases, under this program, out of the criminal justice system where the prosecuting attorney determines that the advantages of utilizing prosecution diversion outweigh the advantages of immediate court activity.

4. Prior to or upon the issuance of an accusatory instrument, with consent of the accused or defendant, other than for an offense enumerated in this section, the prosecuting attorney may forego continued prosecution upon the parties' agreement to a prosecution diversion plan. The prosecution diversion plan shall be for a specified period and be in writing. The prosecuting attorney has the sole authority to develop diversionary program requirements, but minimum requirements are as follows:

(1) The alleged crime is nonviolent, nonsexual, and does not involve a child victim or possession of an unlawful weapon;

(2) The accused or defendant must submit to all program requirements;

(3) Any newly discovered criminal behavior while in a prosecution diversion program will immediately forfeit his or her right to continued participation in said program at the sole discretion of the prosecuting attorney;

(4) The alleged crime does not also constitute a violation of a current condition of probation or parole;

(5) The alleged crime is not a traffic offense in which the accused or defendant was a holder of a commercial driver license or was operating a commercial motor vehicle at the time of the offense; and

(6) Any other criteria established by the prosecuting attorney.

5. During any period of prosecution diversion, the prosecuting attorney may impose conditions upon the behavior and conduct of the accused or defendant that assures the safety and well-being of the community as well as that of the accused or defendant. The conditions imposed by the prosecuting attorney shall include, but are not limited to, requiring the accused or defendant to remain free of any criminal behavior during the entire period of prosecution diversion.

6. The responsibility and authority to screen or divert specific cases, or to refuse to screen or divert specific cases, shall rest within the sole judgment and discretion of the prosecuting attorney as part of their official duties as prosecuting attorney. The decision of the

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Matter in bold-face type is proposed language.

prosecuting attorney regarding diversion shall not be subject to appeal nor be raised as a defense in any prosecution of a criminal case involving the accused or defendant.

7. Any person participating in the program:

(1) Shall have the right to insist on criminal prosecution for the offense for which he or she is accused at any time; and

(2) May have counsel of the person's choosing present during all phases of the prosecution diversion proceedings, but counsel is not required and no right to appointment of counsel is hereby created.

8. In conducting the program, the prosecuting attorney may require at any point the reinitiation of criminal proceedings when, in his or her judgment, such is warranted.

9. Any county, city, person, organization, or agency, or employee or agent thereof, involved with the supervision of activities, programs, or community service that are a part of a prosecution diversion program, shall be immune from any suit by the person performing the work under the deferred prosecution agreement, or any person deriving a cause of action from such person, except for an intentional tort or gross negligence. Persons performing work or community service pursuant to a deferred prosecution agreement as described shall not be deemed to be engaged in employment within the meaning of the provisions of chapter 288. A person performing work or community service pursuant to a deferred prosecution agreement shall not be deemed an employee within the meaning of the provisions of chapter 287.

10. Any person supervising or employing an accused or defendant under the program shall report to the prosecuting attorney any violation of the terms of the prosecution diversion program.

11. After completion of the program and any conditions imposed upon the accused or defendant, to the satisfaction of the prosecuting attorney, the individual shall be entitled to a dismissal or alternative disposition of charges against them. Such disposition may, in the discretion of the prosecuting attorney, be without prejudice to the state of Missouri for the reinstitution of criminal proceedings, within the statute of limitations, upon any subsequent criminal activity on the part of the accused. Any other provision of law notwithstanding, such individual shall be required to pay any associated costs prior to dismissal of pending charges.

650.058. INDIVIDUALS WHO ARE ACTUALLY INNOCENT MAY RECEIVE RESTITUTION, AMOUNT, PETITION, DEFINITION, LIMITATIONS AND REQUIREMENTS — GUILT CONFIRMED BY DNA TESTING, PROCEDURES — PETITIONS FOR RESTITUTION — ORDER OF EXPUNGEMENT. — 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of **[**~~fifty~~**] one hundred** dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered by the court;

(2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual

was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the board of probation and parole's sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The

effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

Approved July 9, 2019

SS SCS HB 565

Enacts provisions relating to official state designations.

AN ACT to amend chapters 9 and 10, RSMo, by adding thereto seven new sections relating to official state designations.

SECTION

A.	Enacting clause.
9.090	Stars and stripes day designated for November 9.
9.117	Battle of St. Louis Memorial day designated for May 26.
9.240	Missouri sliced bread day designated for July 7.
9.290	Cardiovascular disease and type 2 diabetes awareness month designated for month of November.
10.105	Pawpaw tree designated as state fruit tree.
10.190	Missouri "Show Me" tartan designated as official state tartan.
10.200	Hellbender salamander, snot otter, or lasagna lizard designated as official state endangered species.

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

SECTION A. ENACTING CLAUSE. — Chapters 9 and 10, RSMo, are amended by adding thereto seven new sections, to be known as sections 9.090, 9.117, 9.240, 9.290, 10.105, 10.190, and 10.200, to read as follows:

9.090. STARS AND STRIPES DAY DESIGNATED FOR NOVEMBER 9. — November ninth each year is hereby designated and shall be known as "Stars and Stripes Day" in Missouri. The citizens of this state are encouraged to engage in appropriate events and activities to commemorate the creation of the newspaper of the United States Armed Forces, first printed by Union troops on November 9, 1861, using the press of the Bloomfield Herald in Bloomfield, MO.

9.117. BATTLE OF ST. LOUIS MEMORIAL DAY DESIGNATED FOR MAY 26. — May twenty-sixth of each year shall be known as "Battle of St. Louis Memorial Day" in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to commemorate the only battle of the American Revolution fought in what would become the state of Missouri.

9.240. MISSOURI SLICED BREAD DAY DESIGNATED FOR JULY 7. — July seventh of each year shall be designated as "Missouri Sliced Bread Day". The citizens of this state are

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encouraged to participate in appropriate activities and events to commemorate the first sale of sliced bread on July 7, 1928, in Chillicothe, Missouri.

9.290. CARDIOVASCULAR DISEASE AND TYPE 2 DIABETES AWARENESS MONTH DESIGNATED FOR MONTH OF NOVEMBER. — The month of November shall be designated as "Cardiovascular Disease and Type 2 Diabetes Awareness Month" in Missouri. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of the link between cardiovascular disease and type 2 diabetes.

10.105. PAWPAW TREE DESIGNATED AS STATE FRUIT TREE. — The pawpaw tree (*asimina triloba*) is designated as the state fruit tree of Missouri.

10.190. MISSOURI "SHOW ME" TARTAN DESIGNATED AS OFFICIAL STATE TARTAN. — The Missouri "Show Me" tartan is selected for and shall be known as the official tartan of the state of Missouri. The tartan colors of blue, brown, and silver are derived from the eastern bluebird, the Missouri mule and bear on the state flag, and the crescent moon, representing vigilance and justice, valor, purity, steadfastness, hope, and strength. The thread count for the official tartan is G6, DT4, G4, DT4, B4, DT4, B6, A6, R4, W4, G8, W4, R4, A6, B6, DT4, B4, DT4, G4, DT4, G6, DT4, G16, DT12, G16, A4, G16, DT12, G16, DT4, where A = Aegean Blue, R = Garnet, DB = Admiral, DT = Umber, G = Bottle Green, W = White. The thread count for the official dress version of the Show Me tartan is G6, DT4, G4, DT4, B4, DT4, B6, A6, R4, W4, G8, W4, R4, A6, B6, DT4, B4, DT4, G4, DT4, G6, DT4, G16, DT12, W16, A4, W16, DT12, G16, DT4.

10.200. HELLBENDER SALAMANDER, SNOT OTTER, OR LASAGNA LIZARD DESIGNATED AS OFFICIAL STATE ENDANGERED SPECIES. — The *Cryptobranchus alleganiensis*, also known as the hellbender salamander, snot otter, or lasagna lizard, is selected for and shall be known as the official endangered species for the state of Missouri.

Approved July 11, 2019

SS#2 SCS HCS HB 604

Enacts provisions relating to elementary and secondary education.

AN ACT to repeal sections 160.410, 160.415, 160.545, 160.2500, 161.700, 162.068, 162.081, 162.203, 163.018, 163.031, 167.125, 167.131, 167.151, 167.241, 168.133, 168.221, 171.031, 171.033, 177.086, 178.530, and 210.110, RSMo, and to enact in lieu thereof thirty-nine new sections relating to elementary and secondary education.

SECTION

160.545	A+ school program established — purpose — rules — variable fund match requirement — waiver of rules and regulations, requirement — reimbursement for higher education costs for students — evaluation — reimbursement for two-year schools.
160.2500	Citation of act — discrimination based on religious viewpoint or expression prohibited — prayer and religious activities in school permitted, when — religious clothing and jewelry permitted — limited public policy forum authorized.
161.700	Holocaust education and awareness commission created, members — holocaust defined — executive director may be employed.
161.1080	Citation of law.
161.1085	Definitions.
161.1090	School turnaround program, purpose — criteria, designation of schools in need.
161.1095	School turnaround committee, members — expert — plan, contents — local educational agency duties — approval of plan, procedure.
161.1100	Independent school turnaround experts identified by department, duties — qualifications for experts.
161.1105	Contracts awarded for experts, criteria — negotiation of contracts, department duties — fund created, use of moneys.
161.1110	Review of school turnaround plan — approval criteria — rulemaking authority — fund created, use of moneys — grants awarded.
161.1115	Extension granted, when — rulemaking authority.
161.1120	School recognition and reward program established, purpose — fund created, use of moneys — grants awarded.
161.1125	Report to joint committee on education.
161.1130	Rulemaking authority.
162.068	Former employees, information provided by school district, written policy required — suspension of employee under investigation — immunity from liability, when, exception.
162.081	Failure to provide minimum school term, effect of — unaccredited schools, hearing required, board of education options — special administrative board, duration of authority.
162.203	Orientation and training requirements for board members initially elected or appointed.
163.018	Early childhood education programs, pupils included in average daily attendance calculation, when.
163.031	State aid — amount, how determined — categorical add-on revenue, determination of amount — waiver of rules — deposits to teachers' fund and incidental fund, when — state adequacy target adjustment, when.
167.125	Assignment of certain students to another district, procedure — tuition — transportation routes. (St. Elizabeth and St. Albans).
167.131	District not accredited shall pay tuition and transportation, when — amount charged.
167.132	Tuition rate paid by sending district to receiving district — definitions — amount.
167.151	Admission of nonresident and other tuition pupils — certain pupils exempt from tuition — school tax credited against tuition — owners of agricultural land in more than one district, options, notice required, when.
167.241	Transportation of pupils to another district.
167.890	Student performance data scores, department to compile and maintain — rulemaking authority.
167.895	Student transfer to another public school, when — definitions — lack of capacity at attendance centers, options — requirements.
167.898	Available enrollment slots to be reported to department, when - procedure for students seeking transfer.
168.025	Teacher externships, requirements — rulemaking authority — sunset provision.
168.133	Criminal background checks required for school personnel, when, procedure — rulemaking authority.
168.221	Probationary period for teachers — removal of probationary and permanent personnel — hearing — demotions — reduction of personnel (metropolitan districts).
170.020	Social and emotional health education, voluntary pilot project.
170.045	Trauma-informed developmentally appropriate sexual abuse training, requirements — rulemaking authority.
171.031	Board to prepare calendar — minimum term — opening dates — exemptions.

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171.033	Make-up of hours lost or cancelled, number required — exemption, when — waiver for schools, granted when.
177.086	Construction of facilities, sealed bids and public advertisement required, when.
178.530	State board to establish standards, inspect and approve schools — local boards to report — allocation of money — standards for agricultural education.
210.110	Definitions.

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

SECTION A. ENACTING CLAUSE. — Sections 160.410, 160.415, 160.545, 160.2500, 161.700, 162.068, 162.081, 162.203, 163.018, 163.031, 167.125, 167.131, 167.151, 167.241, 168.133, 168.221, 171.031, 171.033, 177.086, 178.530, and 210.110, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 160.410, 160.415, 160.545, 160.2500, 161.700, 161.1080, 161.1085, 161.1090, 161.1095, 161.1100, 161.1105, 161.1110, 161.1115, 161.1120, 161.1125, 161.1130, 162.068, 162.081, 162.203, 163.018, 163.031, 167.125, 167.131, 167.132, 167.151, 167.241, 167.890, 167.895, 167.898, 168.025, 168.133, 168.221, 170.020, 170.045, 171.031, 171.033, 177.086, 178.530, and 210.110, and to read as follows:

160.410. ADMISSION, PREFERENCES FOR ADMISSION PERMITTED, WHEN — INFORMATION TO BE MADE PUBLICLY AVAILABLE — MOVE OUT OF SCHOOL DISTRICT, EFFECT OF. — 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited district under section **[**~~167.131~~**]** **167.895**, provided that the charter school is an approved charter school, as defined in section **[**~~167.131~~**]** **167.895**, and subject to all other provisions of section **[**~~167.131~~**]** **167.895**;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

(5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **[**~~and~~**]**

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(3) Charter schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services**;**

(4) A charter school may also give a preference for admission to students who will be eligible for the free and reduced price lunch program in the upcoming school year.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, **except as allowed under subdivision (4) of subsection 2 of this section,** proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522;

(3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. DISTRIBUTION OF STATE SCHOOL AID FOR CHARTER SCHOOLS — POWERS AND DUTIES OF GOVERNING BODY OF CHARTER SCHOOLS. — 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which

those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's

decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts

in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section **[**~~167.131~~**]** **167.895**, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.545. A+ SCHOOL PROGRAM ESTABLISHED — PURPOSE — RULES — VARIABLE FUND MATCH REQUIREMENT — WAIVER OF RULES AND REGULATIONS, REQUIREMENT — REIMBURSEMENT FOR HIGHER EDUCATION COSTS FOR STUDENTS — EVALUATION — REIMBURSEMENT FOR TWO-YEAR SCHOOLS. — 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students**:**

(a) Earn credits toward any type of college degree while in high school; or

(b) Proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a

means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 **or 9** of this section.

8. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection **[**~~10~~**] 11** of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least **[**~~three~~**] two** years **[**~~prior to graduation~~**]** that meets the requirements of subsection 2 of this section and who has graduated from such a school; except that, students who are active duty military dependents, and students who are **[**~~dependants~~**] dependents** of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty**[**~~,~~**]** who**[**~~, in the school year immediately preceding graduation,~~**]** meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the **[**~~three-year~~**] two-year** attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school **or through the semester immediately before taking the course for which reimbursement is sought** as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

9. **The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, and fees for any dual-credit or dual-enrollment course offered to a student in high school in association with an institution of higher education or vocational or technical school, subject to the requirements of subsection 11 of this section, for any student who meets the requirements established in subsection 8 of this section immediately before taking the course for which reimbursement is sought.**

10. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

[~~10.~~**] 11.** For a two-year private vocational or technical school to obtain reimbursements under subsection 8 **or 9** of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

12. The department of higher education shall distribute reimbursements in the following manner:

(1) To community college or vocational or technical school students;

(2) After all students from subdivision (1) of this subsection have been reimbursed, to any dual-credit or dual-enrollment student on the basis of financial need.

160.2500. CITATION OF ACT — DISCRIMINATION BASED ON RELIGIOUS VIEWPOINT OR EXPRESSION PROHIBITED — PRAYER AND RELIGIOUS ACTIVITIES IN SCHOOL PERMITTED, WHEN — RELIGIOUS CLOTHING AND JEWELRY PERMITTED — LIMITED PUBLIC POLICY FORUM AUTHORIZED. — 1. This section shall be known and may be cited as the "Missouri Student Religious Liberties Act".

2. A public school district shall not discriminate against **[**~~students or parents~~**]** **any person** on the basis of a religious viewpoint or religious expression. A school district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

3. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students shall not be penalized or rewarded on account of the religious content of their work. If an assignment requires a student's viewpoints to be expressed in course work, artwork or other written or oral assignments, a public school district shall not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the course work or assignment.

4. Students in public schools may pray or engage in religious activities or religious expression before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression, provided that such religious expression or religious activities are not disruptive of scheduled instructional time or other educational activities and do not impede access to school facilities or mobility on school premises. Students may organize prayer groups, religious clubs, or other religious gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the student's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech. A school district may disclaim school

sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

5. Students in public schools may wear clothing, accessories and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories and jewelry that display messages or symbols are permitted, as specified in subsection 7 of section 167.166.

6. (1) To ensure that the school district does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the district of a student's expression of a religious viewpoint, if any, a school district shall adopt a policy, which shall include the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum shall also require the school district to:

(a) Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

(b) Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;

(c) Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd or indecent speech; and

(d) State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position or expression of the district.

(2) The school district disclaimer required by paragraph (d) of subdivision (1) of this subsection shall be provided at all graduation ceremonies. The school district shall also continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's nonsponsorship of the student's speech.

(3) Student expression on an otherwise permissible subject shall not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

(4) All public school districts shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints.

7. The provisions of this section shall not be construed to authorize this state or any of its political subdivisions to either:

(1) Require any person to participate in prayer or in any other religious activity; or

(2) Violate the constitutional rights of any person.

8. The provisions of this section shall not be construed to limit the authority of any public school to do any of the following:

(1) Maintain order and discipline on the campus of the public school in a content and viewpoint neutral manner;

(2) Protect the safety of students, employees and visitors of the public school;

(3) Adopt and enforce policies and procedures regarding student speech at school, provided that the policies and procedures do not violate the rights of students as guaranteed by law.

9. The provisions of section 1.140 are applicable to this section.

161.700. HOLOCAUST EDUCATION AND AWARENESS COMMISSION CREATED, MEMBERS — HOLOCAUST DEFINED — EXECUTIVE DIRECTOR MAY BE EMPLOYED. — 1. This section shall be known as the "Holocaust Education and Awareness Commission Act".

2. There is hereby created a permanent state commission known as the "Holocaust Education and Awareness Commission". The commission shall be housed in the department of elementary

and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term "holocaust" shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered **[**~~in Nazi concentration camps~~**]** **by Nazi Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions.

161.1080. CITATION OF LAW. — Sections 161.1080 to 161.1130 shall be known and may be cited as the "School Turnaround Act".

161.1085. DEFINITIONS. — For purposes of sections 161.1080 to 161.1130, the following terms mean:

(1) "Department", the department of elementary and secondary education;

(2) "Governing board", the board of education of a district or the governing board of a charter school that has declared itself a local educational agency;

(3) "Initial remedial year", the year in which a district school or charter school is designated as a school in need of intervention under section 161.1090;

(4) "Local educational agency", any school district and any charter school that has declared itself a local educational agency;

(5) "School", a public school under the control of a local educational agency;

(6) "School in need of intervention", a school that has been designated as in need of intervention by the department according to an outcome-based measure as determined by the department under section 161.1090, which may include, but shall not be required to include, schools identified for intervention under the state's Every Student Succeeds Act plan;

(7) "Statewide assessment", any test of student achievement in English language arts, mathematics, or science, including any such test administered in a computer-adaptive format, that is administered statewide under section 160.518.

161.1090. SCHOOL TURNAROUND PROGRAM, PURPOSE — CRITERIA, DESIGNATION OF SCHOOLS IN NEED. — 1. Subject to appropriation, the department shall establish a school turnaround program to assist schools designated by the department as in need of intervention in accordance with the provisions of sections 161.1080 to 161.1130.

2. The department shall use an outcome-based measure to set criteria for the designation of schools in need of intervention.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. No more than one month after statewide assessment results are made public, the department shall designate specific schools as in need of intervention. The department shall designate a school as in need of intervention only if sufficient funds are available in the school turnaround fund established in section 161.1105 to pay an independent school turnaround expert.

4. The department shall determine the specific criteria that a school shall be required to meet in order to exit the school turnaround program based on the same outcome-based measure that was used to designate the school as in need of intervention.

5. The department shall not designate any school as in need of intervention before September 1, 2020.

6. Nothing in this section shall prohibit the criteria established under this section from satisfying a school's requirement for intervention under the Every Student Succeeds Act.

161.1095. SCHOOL TURNAROUND COMMITTEE, MEMBERS — EXPERT — PLAN, CONTENTS — LOCAL EDUCATIONAL AGENCY DUTIES — APPROVAL OF PLAN, PROCEDURE. — 1. Before October first of an initial remedial year, the governing board of any local educational agency with a school in need of intervention shall establish a school turnaround committee composed of the following members:

(1) One member of the governing board;

(2) The school principal;

(3) Three parents of students enrolled in the school, appointed by the local parent-teacher association;

(4) Four teachers at the school, appointed by the principal; and

(5) The district's chief financial officer or equivalent.

2. Before October fifteenth of an initial remedial year, the governing board of any local educational agency with a school in need of intervention shall partner with the school turnaround committee to select an independent school turnaround expert from the experts identified by the department under section 161.1100.

3. The governing board shall not select an independent school turnaround expert that is:

(1) The local educational agency with the school in need of intervention; or

(2) An employee of the local educational agency with the school in need of intervention.

4. A school turnaround committee shall partner with the independent school turnaround expert selected under subsection 2 of this section to develop and implement a school turnaround plan that includes:

(1) The findings of the analysis conducted by the independent school turnaround expert on the data described in subdivision (1) of subsection 1 of section 161.1100;

(2) Recommendations regarding changes to the school's personnel, culture, curriculum, assessments, instructional practices, digital tools and other methods for teaching and learning, governance, leadership, finances, policies, or other areas that may be necessary to implement the school turnaround plan;

(3) Measurable student achievement goals and objectives;

(4) A professional development plan that identifies a strategy to address problems of instructional practice;

(5) A leadership development plan focused on proven strategies to turn around schools in need of intervention that align with administrator standards developed under section 168.410;

(6) A detailed budget specifying how the school turnaround plan will be funded;

(7) A plan to assess and monitor progress;

(8) A plan to communicate and report data on progress to stakeholders; and

(9) A time line for implementation.

5. Any local educational agency with a school in need of intervention shall:

(1) Prioritize funding and resources to the school in need of intervention; and

(2) Grant the school in need of intervention streamlined authority over staff, schedule, policies, budget, and academic programs to implement the school turnaround plan.

6. Before March first of an initial remedial year, a school turnaround committee shall submit the school turnaround plan to the governing board for approval.

7. Except as provided in subsection 8 of this section, before April first of an initial remedial year, the governing board shall submit the school turnaround plan to the department for approval.

8. If the governing board does not approve the school turnaround plan submitted under subsection 6 of this section, the school turnaround committee may submit a new or revised school turnaround plan to the governing board for approval. In order to allow additional time for the governing board to consider a new or revised school turnaround plan, the rules may extend the April first deadline for the governing board to submit the school turnaround plan to the department. The department shall not approve a school turnaround plan unless such plan has been approved by the governing board of the school in need of intervention.

161.1100. INDEPENDENT SCHOOL TURNAROUND EXPERTS IDENTIFIED BY DEPARTMENT, DUTIES — QUALIFICATIONS FOR EXPERTS. — 1. Before August 30, 2020, the department shall identify two or more approved independent school turnaround experts, through a request for proposals process, that a school in need of intervention may select from to partner with, to:

(1) Collect and analyze data on the school's student achievement, personnel, culture, curriculum, assessments, instructional practices, digital tools and other methods for teaching and learning, governance, leadership, finances, and policies;

(2) Recommend changes to the school's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas based on data collected under subdivision (1) of this subsection;

(3) Develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in section 161.1095;

(4) Monitor the effectiveness of a school turnaround plan through reliable means of evaluation including, but not limited to, on-site visits, observations, surveys, analysis of student achievement data, and interviews;

(5) Provide ongoing implementation support and project management for a school turnaround plan;

(6) Provide high-quality professional development and coaching personalized for school staff that is designed to build:

(a) The leadership capacity of the school principal;

(b) The instructional capacity of school staff; and

(c) The collaborative practices of teacher and leadership teams;

(7) Provide job-embedded professional learning and coaching for all instructional staff on a weekly basis, at a minimum;

(8) Provide job-embedded professional learning and coaching for the school principal at least twice monthly, focused on proven strategies to turn around schools in need of intervention that are aligned with administrator standards developed under section 168.410; and

(9) Leverage support from community partners to coordinate an efficient delivery of supports to students both inside and outside the classroom.

2. In identifying independent school turnaround experts under subsection 1 of this section, the department shall identify experts who:

(1) Have a credible track record of improving student academic achievement in public schools with various demographic characteristics, as measured by statewide assessments;

(2) Have experience designing, implementing, and evaluating data-driven instructional systems in public schools;

(3) Have experience coaching public school administrators and teachers on designing and implementing data-driven school improvement plans;

(4) Have experience collaborating with the various education entities that govern public schools;

(5) Have experience delivering high-quality professional development and coaching in instructional effectiveness to public school administrators and teachers;

(6) Are willing to be compensated for professional services based on performance as described in section 161.1105; and

(7) Are willing to partner with any school in need of intervention in the state, regardless of location.

161.1105. CONTRACTS AWARDED FOR EXPERTS, CRITERIA — NEGOTIATION OF CONTRACTS, DEPARTMENT DUTIES — FUND CREATED, USE OF MONEYS. — 1. The department shall award contracts to independent school turnaround experts. Governing boards shall not be required to pay independent school turnaround experts.

2. When awarding a contract to an independent school turnaround expert selected by the governing board under section 161.1095, the department shall ensure that a contract between the governing board and the independent school turnaround expert specifies that the department shall:

(1) Pay an independent school turnaround expert no more than fifty percent of the expert's professional fees during the time period the school turnaround expert is providing services to the school in need of intervention; and

(2) Pay the remainder of the independent school turnaround expert's professional fees upon the independent school turnaround expert successfully helping a school in need of intervention meet exit criteria as determined by the department under section 161.1090 within four school years after a school is designated as needing intervention.

3. In negotiating a contract with an independent school turnaround expert, the department shall offer:

(1) An average of six hundred and fifty thousand dollars for the entirety of the project;

(2) Differentiated amounts of funding based on student enrollment; and

(3) A higher amount of funding for schools that are in the lowest-performing one percent of schools statewide according to the outcome-based measure determined by the department under section 161.1090.

4. There is hereby created in the state treasury the "School Turnaround Fund". The fund shall consist of all moneys that may be appropriated to it by the general assembly and

any gifts, contributions, grants, or bequests received from federal, private, or other sources. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for payments to independent school turnaround experts and for administrative expenses for the school turnaround program. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

161.1110. REVIEW OF SCHOOL TURNAROUND PLAN — APPROVAL CRITERIA — RULEMAKING AUTHORITY — FUND CREATED, USE OF MONEYS — GRANTS AWARDED. — 1. The department shall review a school turnaround plan submitted for approval under section 161.1095 within thirty days of submission.

2. The department shall approve a school turnaround plan that:

(1) Is timely;

(2) Is well-developed; and

(3) Meets the criteria described in section 161.1095.

3. The department shall promulgate rules to establish an appeals process for a governing board that does not receive approval of its school turnaround plan from the department under section 161.1095.

4. The department shall ensure that the rules require the appeals process, described in subsection 3 of this section, be resolved before May fifteenth of the initial remedial year.

5. There is hereby created in the state treasury the "School Intervention Fund". The fund shall consist of all moneys that may be appropriated to it by the general assembly and any gifts, contributions, grants, or bequests received from federal, private, or other sources for the purpose of distributing grants to local educational agencies as described in this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of grants to local educational agencies as described in this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The department shall award grants from the school intervention fund to local educational agencies for the purpose of funding interventions identified in approved school turnaround plans. A local educational agency shall be eligible for a grant only if it provides matching funds or an in-kind contribution of goods or services in an amount equal to the grant award it would receive from the department.

161.1115. EXTENSION GRANTED, WHEN — RULEMAKING AUTHORITY. — 1. A school in need of intervention that does not meet the exit criteria determined by the department under

section 161.1090 within four school years after the day on which the school is designated a school in need of intervention may petition the department for an extension to continue school improvement efforts for up to two years.

2. The department shall grant an extension under subsection 1 of this section only if the school in need of intervention:

(1) Has demonstrated at least fifty percent of the improvement necessary to exit the turnaround process; or

(2) Submits an appeal to the department.

3. The department may extend the contract of an independent school turnaround expert for a school in need of intervention that is granted an extension under this section.

4. A school that has been granted an extension under this section is eligible for continued funding under subsection 3 of this section.

5. The department shall promulgate rules establishing additional interventions for:

(1) A school in need of intervention that:

(a) Does not meet the predetermined exit criteria within four school years after the day on which the school is designated in need of intervention; and

(b) Is not granted an extension under this section; and

(2) A school in need of intervention that:

(a) Is granted an extension under this section; and

(b) Does not meet the predetermined exit criteria within four school years after the day on which the school in need of intervention is granted an extension.

161.1120. SCHOOL RECOGNITION AND REWARD PROGRAM ESTABLISHED, PURPOSE — FUND CREATED, USE OF MONEYS — GRANTS AWARDED. — 1. For purposes of this section, the term "eligible school" means a school in need of intervention that:

(1) Meets predetermined exit criteria within four school years after the day on which the school is designated a school in need of intervention; or

(2) If granted an extension under section 161.1115, meets predetermined exit criteria within the extension period.

2. Subject to appropriation, the department shall establish a statewide program to be known as the "School Recognition and Reward Program" to provide incentives to schools and teachers to improve schools in need of intervention.

3. There is hereby created in the state treasury the "School Recognition and Reward Fund". The fund shall consist of all moneys that may be appropriated to it by the general assembly and any gifts, contributions, grants, or bequests received from federal, private, or other sources for the purpose of distributing grants to local educational agencies as described in this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of grants to local educational agencies as described in this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The department shall award grants from the school recognition and reward fund to local educational agencies with eligible schools. The department shall require, as a condition of awarding a grant, that the local educational agency use the grant moneys to reward eligible schools, teachers employed by eligible schools, or both the eligible schools and the teachers.

161.1125. REPORT TO JOINT COMMITTEE ON EDUCATION. — Before November 30, 2021, and before November thirtieth of each year thereafter, the department shall report to the joint committee on education on the implementation of sections 161.1080 to 161.1130.

161.1130. RULEMAKING AUTHORITY. — The department shall promulgate rules to implement the provisions of sections 161.1080 to 161.1130. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 161.1080 to 161.1130 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. Sections 161.1080 to 161.1130 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

162.068. FORMER EMPLOYEES, INFORMATION PROVIDED BY SCHOOL DISTRICT, WRITTEN POLICY REQUIRED — SUSPENSION OF EMPLOYEE UNDER INVESTIGATION — IMMUNITY FROM LIABILITY, WHEN, EXCEPTION. — 1. **(1)** By July 1, 2012, every school district shall adopt a written policy on information that the district provides about former employees, both certificated and noncertificated, to other public schools. By July 1, 2014, every charter school shall adopt a written policy on information that the charter school provides about former employees, both certificated and noncertificated, to other public schools. The policy shall include who is permitted to respond to requests for information from potential employers and the information the district or charter school would provide when responding to such a request. The policy shall require that notice of this provision be provided to all current employees and to all potential employers who contact the school district or charter school regarding the possible employment of an employee.

(2) The policy described under this subsection shall require the district or charter school to disclose, to any public school that contacts such district or charter school about a former employee, information regarding any violation of the published regulations of the board of education of the district or the governing body of the charter school by the former employee if such violation related to sexual misconduct with a student and was determined to be an actual violation by the board of the district or the governing body of the charter school after a contested case due process hearing conducted pursuant to board policy.

2. Any school district or charter school that employs a person about whom the children's division conducts an investigation involving allegations of sexual misconduct with a student and reaches a finding of substantiated shall immediately suspend the employment of such person, notwithstanding any other provision of law, but the district or charter school may return the person to his or her employment if the child abuse and neglect review board's finding that the allegation is substantiated is reversed by a court on appeal and becomes final. Nothing shall preclude a school district or charter school from otherwise lawfully terminating the employment of any employee about whom there has been a finding of unsubstantiated resulting from an investigation by the children's division involving allegations of sexual misconduct with a student.

3. Any employee who is permitted to respond to requests for information regarding former employees under a policy adopted by his or her school district or charter school under **[**~~subsection 2 of~~**]** this section and who communicates only the information which such policy directs, and who acts in good faith and without malice shall be immune against any civil action for damages brought by the former employee arising out of the communication of such information. If any such action is brought, the employee may, at his or her option, request the attorney general to defend him or her in such suit and the attorney general shall provide such defense, except that if the attorney general represents the school district or the department of elementary and secondary education in a pending licensing matter under section 168.071 the attorney general shall not represent the school district employee.

4. Notwithstanding the provisions of subsection 2 of this section, if a district or charter school that has employed any employee whose job involves contact with children receives allegations of sexual misconduct**, as provided in section 566.083,** concerning the employee and**,** as a result of such allegations or as a result of such allegations being substantiated by the child abuse and neglect review board**,** dismisses the employee or allows the employee to resign in lieu of being fired and fails to disclose the allegations of sexual misconduct when furnishing a reference for the former employee or responding to a potential employer's request for information regarding such employee, the district or charter school shall be directly liable for damages to any student of a subsequent employing district or charter school who is found by a court of competent jurisdiction to be a victim of the former employee's sexual misconduct, and the district or charter school shall bear third-party liability to the employing district or charter school for any legal liability, legal fees, costs, and expenses incurred by the employing district or charter school caused by the failure to disclose such information to the employing district or charter school.

5. If a school district or charter school has previously employed a person about whom the children's division has conducted an investigation involving allegations of sexual misconduct with a student and has reached a finding of substantiated and another public school contacts the district or charter school for a reference for the former employee, the district or charter school shall disclose the results of the children's division's investigation to the public school.

6. Any school district or charter school employee, acting in good faith, who reports alleged sexual misconduct on the part of a teacher or other school employee shall not be discharged or otherwise discriminated against in any fashion because of such reporting.

7. Any school district or charter school shall, before offering employment to any teacher who was employed by a Missouri school district or charter school, contact the department of elementary and secondary education to determine the school district or charter school that previously employed such employee. School districts and charter school contacting the department under this subsection shall request, from the most recent, information as outlined in this section regarding the former employee.

162.081. FAILURE TO PROVIDE MINIMUM SCHOOL TERM, EFFECT OF — UNACCREDITED SCHOOLS, HEARING REQUIRED, BOARD OF EDUCATION OPTIONS — SPECIAL ADMINISTRATIVE BOARD, DURATION OF AUTHORITY. — 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited, the state board of education shall, upon a district's initial classification or reclassification as unaccredited:

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited.

3. Upon classification of a district as unaccredited, the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of **all or part of** the unaccredited district and:

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.** The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district's elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district**, or a subset of schools,** and to have all powers and duties of any other general superintendent of schools in a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

(b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

(d) Establish one or more school districts within the territory of the lapsed district, with a governance structure specified by the state board of education, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board **or any other form of governance** appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **or any other form of governance appointed under this section** shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the **[**~~special administrative board~~**] governing board prior to lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board **nor any other form of governance appointed under this section** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, **[**~~the~~**] a** special administrative board, **[**~~its~~**] any other form of governance appointed under this section, or the** members or employees **of the lapsed district, a special administrative board, or any other form of governance appointed under this section**. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board**[**~~, its~~**] or any other form of governance appointed under this section and the** members and employees **of the special administrative board or any other form of governance appointed under this section** members and employees.

6. Neither the special administrative board **nor any other form of governance appointed under this section** nor any district or other entity assigned territory, assets or funds from a lapsed

district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.

8. In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

9. If the state board of education reasonably believes that a school district is unlikely to provide for the minimum school term required by section 163.021 because of financial difficulty, the state board of education may, prior to the start of the school term:

(1) Allow continued governance by the existing district school board under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of the district and implement one of the options available under subdivision (2) of subsection 3 of this section.

10. The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.895 and 167.898.

162.203. ORIENTATION AND TRAINING REQUIREMENTS FOR BOARD MEMBERS INITIALLY ELECTED OR APPOINTED. — 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least **[**~~sixteen~~**]** **eighteen** hours **and thirty minutes** with the cost of such training to be paid by the district.

2. **The orientation and training required under subsection 1 of this section shall include two hours and thirty minutes of training that provides up-to-date and reliable information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults. The training shall emphasize how to establish an atmosphere of trust so that students feel their school has concerned adults with whom students can feel comfortable discussing matters related to abuse. If, before August 28, 2019, a board member completed the orientation and training requirements of this section as they existed before August 28, 2019, the board member shall not be required to complete any additional training other than the refresher training described in subsection 3 of this section.**

3. Any school board member serving a term as of August 28, 2019, or elected or appointed after August 28, 2019, shall complete at least one hour of refresher training each year of any term in office; except that, the refresher training shall not be required in the year in which the member completes the initial orientation and training under subsection 1 of this section. The refresher training shall address concepts covered in the initial training including, but not limited to, the prevention of sexual abuse of children.

4. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

163.018. EARLY CHILDHOOD EDUCATION PROGRAMS, PUPILS INCLUDED IN AVERAGE DAILY ATTENDANCE CALCULATION, WHEN. — 1. (1) Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program**:**

(a) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education**; or**

(b) That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education;

shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

(2) If a pupil described under subdivision (1) of this subsection leaves an early childhood education program during the school year, a district or charter school shall be allowed to fill the vacant enrollment spot with another pupil between the ages of three and five who is eligible for free and reduced price lunch without affecting the district's or charter school's calculation of average daily attendance.

2. **In establishing standards for any early childhood education program that is under contract with a district or charter school that has declared itself as a local educational agency, the state board of education shall consider:**

(1) Whether a program offers full-day and full-year programming;

(2) Whether a program has teacher-to-child ratios consistent with reasonable standards set by early childhood education program accrediting agencies;

(3) Whether a program offers professional development supports for educators and the type of supports offered;

(4) Whether a program uses appropriately credentialed educators;

(5) Whether a program uses an early childhood education curriculum that has been approved by the department of elementary and secondary education and whether the curriculum is developmentally appropriate; and

(6) Any other factor that the state board of education determines to be significant in ensuring that children achieve high levels of kindergarten readiness.

The state board of education shall require that staff members of any early childhood education program that is under contract with a district or charter school that has declared itself as a local educational agency undergo background checks as described in section 168.133.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

163.031. STATE AID — AMOUNT, HOW DETERMINED — CATEGORICAL ADD-ON REVENUE, DETERMINATION OF AMOUNT — WAIVER OF RULES — DEPOSITS TO TEACHERS' FUND AND

INCIDENTAL FUND, WHEN — STATE ADEQUACY TARGET ADJUSTMENT, WHEN. — 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1 and 2 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

6. (1) If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced price lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced price lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

(2) In the 2017-18 school year and in each subsequent school year, if a district experiences a decrease in its gifted program enrollment of twenty percent or more from the previous school year, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the gifted program in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the district's current year payment amount. The provisions of this subdivision shall apply to districts entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not apply to any school district with an average daily attendance of three hundred fifty or less.

7. Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any

payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations.

8. Notwithstanding any provision of law to the contrary, school districts that receive revenue from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 shall, beginning January 1, 2020, and every January first thereafter, report the amount of said revenue received by the district to the department. The department shall, based on the data submitted by the district, determine the total amount of revenue the district would have received from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 absent the provisions of section 148.720, and remit the following amount to each applicable district not less than thirty days after the conclusion of each calendar year. The amount remitted to each district shall be the total of the revenue received by the district from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 during the applicable calendar year times one and five thousand six hundred and twenty-five ten thousandths minus the total of the revenue received by the district from the tax authorized under sections 148.030, 148.140, 148.620, and 148.720 during the same calendar year. This payment shall be in addition to payments authorized under subsections 1, 2, and 7 of this section and shall be made from the annual appropriation to fund this section.

167.125. ASSIGNMENT OF CERTAIN STUDENTS TO ANOTHER DISTRICT, PROCEDURE — TUITION — TRANSPORTATION ROUTES. (ST. ELIZABETH AND ST. ALBANS). — 1. (1) For the purposes of this section, the term "attendance center" shall mean a public school building or buildings or part of a school building that constitutes one unit for accountability purposes under the Missouri school improvement program.

(2) For any pupil residing in any unincorporated area located in any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants that also borders on any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, and for any pupil residing in any village with more than three hundred twenty but fewer than three hundred sixty inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a village with more than two hundred but fewer than two hundred fifty inhabitants as the county seat, **and for any pupil residing in an unincorporated area of a county of the third classification without a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than five hundred fifty but fewer than six hundred fifty inhabitants as the county seat,** the commissioner of education or his or her designee shall, upon proper application by the parent or guardian of the pupil, assign the pupil and any sibling of the pupil to another school district if the pupil is eligible as described under subsection 2 of this section and the following conditions are met:

(a) The actual driving distance from the pupil's residence to the attendance center in the district of residence is fifteen miles or more by the shortest route available as determined by the commissioner or his or her designee;

(b) The attendance center to which the pupil would be assigned in the receiving district is at least five miles closer in actual driving distance by the shortest route available to the pupil's residence than the current attendance center in the district of residence as determined by the commissioner or his or her designee; and

(c) The attendance of the pupil will not cause the classroom in the receiving district to exceed the maximum number of pupils per class as determined by the receiving district.

2. (1) For pupils applying to the commissioner of education under this section, the commissioner, or his or her designee, shall assign pupils in the order in which applications are received, provided the applications are properly completed and the conditions of subsection 1 of this section are met.

(2) Once granted, the hardship assignment shall continue until the pupil, and any sibling of the pupil who attends the same attendance center, completes his or her course of study in the receiving district or the parent or guardian withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship assignment, the granting of a subsequent application is discretionary.

(3) A pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in his or her district of residence during the school year prior to the application. Any pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in a district other than his or her district of residence and paid nonresident tuition for such enrollment during the school year prior to the application**, or, in the case where a pupil is applying under subdivision (2) of subsection 1 of this section, if the pupil has applied for enrollment in a public school in a district other than his or her district of residence but whose application was denied**. Pupils who reside in the district who become eligible for kindergarten or first grade shall also be eligible to apply to the commissioner of education to be assigned to another district.

(4) A pupil who is not currently enrolled in a public school district shall become eligible to apply to the commissioner of education to be assigned to another district after the pupil has enrolled in and completed a full school year in a public school in his or her district of residence.

3. The board of education of the district in which the pupil resides shall pay the tuition of the pupil assigned. The tuition amount shall not exceed the pro rata cost of instruction. However, if the tuition of the receiving district is greater than the tuition of the pupil's district of residence, the pupil's parent or guardian shall pay the difference in tuition.

4. A receiving district shall not be required to alter its transportation route to accommodate pupils that are assigned to the receiving district under the provisions of this section.

167.131. DISTRICT NOT ACCREDITED SHALL PAY TUITION AND TRANSPORTATION, WHEN — AMOUNT CHARGED. — 1. The board of education of each district in this state that does not maintain **[**~~an accredited~~**] a high** school **[**~~pursuant to the authority of the state board of education to classify schools as established in section 161.092~~**] offering work through the twelfth grade** shall pay **[**~~the~~**]** tuition **[**~~of~~**] as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends an accredited **public high** school in another district of the same or an adjoining county **[**~~or who attends an approved charter school in the same or an adjoining county~~**]**.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. **[**~~The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district,~~**]** The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. **[**~~For an approved charter~~

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~~school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.~~**]** The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

[~~3. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.~~**]**

167.132. TUITION RATE PAID BY SENDING DISTRICT TO RECEIVING DISTRICT — DEFINITIONS — AMOUNT. — 1. For purposes of this section, the following terms mean:

(1) "Receiving approved charter school", an approved charter school, as defined under section 167.895, receiving transfer students under section 167.895;

(2) "Receiving district", a school district receiving transfer students under section 167.895;

(3) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under section 167.895;

(4) "State adequacy target", the same meaning given to the term under section 163.011.

2. Notwithstanding any other provision of law, the tuition rate paid by a sending district to the receiving district or the receiving approved charter school for transfer students shall be the lesser of:

(1) The tuition rate set by the receiving district or the receiving approved charter school under the policy adopted in accordance with section 167.895; or

(2) The state adequacy target plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district.

167.151. ADMISSION OF NONRESIDENT AND OTHER TUITION PUPILS — CERTAIN PUPILS EXEMPT FROM TUITION — SCHOOL TAX CREDITED AGAINST TUITION — OWNERS OF AGRICULTURAL LAND IN MORE THAN ONE DISTRICT, OPTIONS, NOTICE REQUIRED, WHEN. — 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 **[**~~and~~**] ,** 167.131**, 167.132, and 167.895**.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and

shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons.

167.241. TRANSPORTATION OF PUPILS TO ANOTHER DISTRICT. — 1. Except as otherwise provided under this section, transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence**[**~~; however,~~**] .**

2. In the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to **[**~~approved charter schools as defined in section 167.131,~~**]** school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence.

3. (1) For purposes of this subsection, "approved charter school" has the same meaning given to the term under section 167.895.

(2) For pupils covered by section 167.895, the district of residence shall be required to provide transportation only to school districts or approved charter schools designated by the department of elementary and secondary education or its designee. For pupils covered by section 167.895, the department of elementary and secondary education or its designee shall designate at least one accredited district or approved charter school to which the district of residence shall provide transportation. If the designated district or charter school reaches full student capacity and is unable to receive additional students, the department of elementary and secondary education or its designee shall designate at least one additional accredited district or approved charter school to which the district of residence shall provide transportation.

167.890. STUDENT PERFORMANCE DATA SCORES, DEPARTMENT TO COMPILE AND MAINTAIN — RULEMAKING AUTHORITY. — 1. The department of elementary and secondary education shall compile and maintain student performance data scores of all students

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

enrolled in districts other than their resident districts as provided under section 167.895 and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.

2. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

167.895. STUDENT TRANSFER TO ANOTHER PUBLIC SCHOOL, WHEN — DEFINITIONS — LACK OF CAPACITY AT ATTENDANCE CENTERS, OPTIONS — REQUIREMENTS. — 1. For purposes of this section and section 167.898, the following terms mean:

(1) "Approved charter school", a charter school that has existed for less than three years or a charter school with a three-year average score consistent with a classification of accredited without provisions on its annual performance report;

(2) "Attendance center", a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education;

(3) "Available receiving district", a school district able to receive transfer students under this section;

(4) "Receiving district", a school district receiving transfer students under this section;

(5) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under this section.

2. (1) Any student may transfer to another public school in the student's district of residence if such student is enrolled in and has attended, for the full semester immediately prior to requesting the transfer, an attendance center:

(a) That is located within an unaccredited district; and

(b) That has an annual performance report score consistent with a classification of unaccredited.

However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet the admissions requirements in order to attend.

(2) The school board of each unaccredited district shall determine the capacity at each of the district's attendance centers that has an annual performance report score consistent with a classification of accredited. The district's school board shall be responsible for coordinating transfers within the district as allowed under this subsection.

(3) The school board of each unaccredited district shall annually report to the department of elementary and secondary education or its designee the number of available

slots in attendance centers within the district that have annual performance report scores consistent with a classification of accredited, the number of students who request to transfer within the district, and the number of such transfer requests that are granted.

3. (1) Any student who is eligible to transfer within his or her district under subsection 2 of this section but who is unable to do so due to a lack of capacity in the attendance centers in his or her district of residence may apply to the department of elementary and secondary education or its designee to transfer to:

(a) An attendance center:

a. That is located within an accredited district that is located in the same or an adjoining county; and

b. That has an annual performance report score consistent with a classification of accredited; or

(b) An approved charter school located in another district in the same or an adjoining county.

(2) A student who is eligible to begin kindergarten or first grade at an attendance center:

(a) That is located within an unaccredited district;

(b) That has an annual performance report score consistent with a classification of unaccredited; and

(c) That offers classes above the second grade level

may apply to the department of elementary and secondary education or its designee for a transfer to a school described under paragraph (a) or (b) of subdivision (1) of this subsection if he or she resides in the attendance area of the attendance center described under this subdivision on March first preceding the school year of first attendance. A student who does not apply by March first for enrollment in any school year after the 2019-20 school year shall be required to enroll and attend the attendance center described under this subdivision for one semester to become eligible.

(3) If a student who is eligible to transfer under this subsection chooses to apply to attend a magnet school, an academically selective school, or a school with a competitive entrance process that has admissions requirements, the student shall furnish proof that he or she meets the admissions requirements.

(4) Any student who does not maintain residency in the attendance area of his or her attendance center in the district of residence shall lose eligibility to transfer.

(5) Except as provided under subsection 7 of this section, any student who transfers but later withdraws shall lose eligibility to transfer.

(6) The transfer provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840 or to any early childhood programs or early childhood special education programs.

4. (1) No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

(2) No student who is eligible to begin kindergarten or first grade at an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

5. (1) (a) No provisionally accredited district shall be eligible to receive transfer students.

(b) Except as provided under paragraph (c) of this subdivision, no attendance center that has an annual performance report score consistent with a classification of provisionally accredited shall be eligible to receive transfer students.

(c) A transfer student who chooses to attend an attendance center that has an annual performance report score consistent with a classification of provisionally accredited and that is located within his or her unaccredited district of residence shall be allowed to transfer to such attendance center if there is an available slot.

(2) (a) No unaccredited district shall be eligible to receive transfer students.

(b) No attendance center that has an annual performance report score consistent with a classification of unaccredited shall be eligible to receive transfer students.

(3) No district or attendance center that has received two consecutive annual performance reports consistent with a classification of provisionally accredited for the years immediately preceding the year in which it seeks to enroll transfer students shall be eligible to receive any transfer students, irrespective of its state board of education classification designation; except that, any student who was granted a transfer to such a district or attendance center prior to the effective date of this section may remain enrolled in that district or attendance center.

6. Notwithstanding the provisions of subsection 5 of this section, a student may transfer to an attendance center:

(1) That is located within an unaccredited or provisionally accredited district; and

(2) That has an annual performance report score consistent with a classification of accredited

if the attendance center applies for and is granted a waiver by the department of elementary and secondary education or its designee to allow the attendance center to accept transfer students.

7. If a receiving district becomes unaccredited or provisionally accredited, or if an approved charter school loses its status as an approved charter school, any students who previously transferred to the district or charter school shall receive the opportunity to remain enrolled in the district or charter school or to transfer to another district or approved charter school without losing their eligibility to transfer.

8. For a receiving district, no acceptance of a transfer student shall require any of the following actions, unless the board of education of the receiving district has approved the action:

(1) The hiring of additional classroom teachers;

(2) The construction of additional classrooms; or

(3) A class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards.

9. (1) By July 15, 2019, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the 2019-20 school year.

(2) By February first annually, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the following school year.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(3) An available receiving district or approved charter school eligible to receive transfer students under this section shall publish the number set under this subsection and shall not be required to accept any transfer students under this section that would cause it to exceed the published number.

10. (1) Each available receiving district shall adopt a policy establishing a tuition rate for transfer students by February first annually.

(2) Each approved charter school eligible to receive transfer students under this section shall adopt a policy establishing a tuition rate for transfer students by February first annually.

(3) A sending district shall pay the receiving district or the approved charter school the amount specified under section 167.132 for each transfer student.

11. A student whose transfer application has been denied by a receiving district shall have the right to appeal the decision of the receiving district to the department of elementary and secondary education. The appeal shall be taken within fifteen days after the decision of the department and may be taken by filing notice of appeal with the department. Such appeal shall be heard as provided in chapter 536.

12. If an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, or if an attendance center within an unaccredited district improves its annual performance report score from a score that is consistent with a classification of unaccredited to a score that is consistent with a classification of provisionally accredited or accredited, any resident student of the unaccredited district who has transferred to an approved charter school or to an accredited district in the same or an adjoining county, as allowed under subsection 3 of this section, shall be permitted to continue his or her educational program in the receiving district or charter school through the completion of middle school, junior high school, or high school, whichever occurs first; except that, a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.

13. Notwithstanding the provisions of subsection 10 of this section, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the unaccredited district shall remain responsible for paying the excess cost to the receiving district. If the receiving district is a component district of a special school district, the unaccredited district, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation in accordance with this section. The special school district may contract with an unaccredited district, including any metropolitan district, for the provision of transportation of a student with a disability or the unaccredited district may provide transportation on its own.

14. A special school district shall continue to provide special education and related services, with the exception of transportation under this section, to a student with a disability transferring from an attendance center with an annual performance report score consistent with a classification of unaccredited that is within a component district to an attendance center with an annual performance report score consistent with a classification of accredited that is within the same or a different component district within the special school district.

15. If any metropolitan school district is classified as unaccredited, it shall remain responsible for the provision of special education and related services, including transportation, to students with disabilities. A special school district in an adjoining county

to a metropolitan school district may contract with the metropolitan school district for the reimbursement of special education services under sections 162.705 and 162.710 provided by the special school district for transfer students who are residents of the unaccredited district.

16. Regardless of whether transportation is identified as a related service within a student's individualized education program, a receiving district that is not part of a special school district shall not be responsible for providing transportation to a student transferring under this section. An unaccredited district may contract with a receiving district that is not part of a special school district under sections 162.705 and 162.710 for transportation of students with disabilities.

17. If a seven-director school district or urban school district is classified as unaccredited, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services under sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the unaccredited district.

167.898. AVAILABLE ENROLLMENT SLOTS TO BE REPORTED TO DEPARTMENT, WHEN - PROCEDURE FOR STUDENTS SEEKING TRANSFER. — 1. (1) By July 15, 2019, and by January first annually, each accredited district, any portion of which is located in the same county as or in an adjoining county to an unaccredited district, shall report to the department of elementary and secondary education or its designee the number of available enrollment slots by grade level.

(2) By July 15, 2019, and by January first annually, each unaccredited district shall report to the department of elementary and secondary education or its designee the number of available enrollment slots in the schools of its district that have received annual performance report scores consistent with a classification of accredited.

(3) By July 15, 2019, and by January first annually, each approved charter school that is eligible to receive transfer students under section 167.895 shall report to the department of elementary and secondary education or its designee the number of available enrollment slots.

2. The department of elementary and secondary education or its designee shall make information and assistance available to parents or guardians who intend to transfer their child to an accredited district or to an approved charter school as described under section 167.895.

3. The parent or guardian of a student who intends to transfer his or her child to an accredited district or to an approved charter school as described under section 167.895 for enrollment in that district or charter school in any school year after the 2019-20 school year shall send initial notification to the department of elementary and secondary education or its designee by March first for enrollment in the subsequent school year.

4. The department of elementary and secondary education or its designee shall assign those students who seek to transfer to an accredited district or to an approved charter school as described under section 167.895. When assigning transfer students to approved charter schools, the department of elementary and secondary education or its designee shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to institute a lottery procedure for determining the admission of resident students. The department of elementary and secondary education or its designee

shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who already attends a school with an annual performance report score consistent with a classification of accredited and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, the student shall receive first priority the following school year. The department of elementary and secondary education or its designee shall consider the following factors in assigning school districts and charter schools:

(1) The student's or parent's choice of the receiving school district or charter school;

(2) The best interests of the student;

(3) The availability of transportation funding, as provided under section 167.241; and

(4) Distance and travel time to a receiving school.

The department of elementary and secondary education or its designee shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school. The parent or guardian may make an application for a specific building assignment within the district or approved charter school. Final building assignment shall be determined by the receiving school district or approved charter school.

5. (1) The department of elementary and secondary education or its designee may deny a transfer to a student who in the most recent school year has been suspended from school two or more times or who has been suspended for an act of school violence under subsection 2 of section 160.261. A student whose transfer is initially precluded under this subsection may be permitted to transfer on a provisional basis as a probationary transfer student, subject to no further disruptive behavior, upon a statement from the student's current school that the student is not disruptive. A student who is denied a transfer under this subsection has the right to an in-person meeting with an employee of the department of elementary and secondary education or its designee.

(2) The department of elementary and secondary education shall promulgate rules to provide common standards for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

168.025. TEACHER EXTERNSHIPS, REQUIREMENTS — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. For purposes of this section, "teacher externship" means an experience in which a teacher, supervised by his or her school or school district, gains practical experience at a business located in Missouri through observation and interaction with employers and employees.

2. The department of economic development and the department of elementary and secondary education shall develop and recommend:

(1) Requirements for teacher externships that can be considered the equivalent of the completion of credit hours in graduate-level courses for purposes of salary schedules; and

(2) An equivalency schedule that sets forth the number of credit hours in graduate-level courses that shall be considered equivalent to and awarded for each type of teacher externship. To classify teacher externships and determine the number of credit hours that would be appropriate for each type, the length of the teacher externship, the practical experience gained, or any other factor deemed relevant may be considered.

3. The department of economic development and the department of elementary and secondary education shall adopt and publish on their websites, before July 1, 2020, requirements for teacher externships that can be considered the equivalent of the completion of credit hours in graduate-level courses for purposes of salary schedules and an equivalency schedule as described in subsection 2 of this section. Any teacher externship that meets the published requirements shall be known as and considered a certified teacher externship for purposes of this section.

4. If a school district or charter school uses a salary schedule in which a teacher receives a higher salary if he or she has earned credit hours in graduate-level courses, the school district or charter school shall consider any teacher who has completed a certified teacher externship to have completed credit hours in graduate-level courses on its salary schedule in the manner prescribed by the equivalency schedule developed under this section and compensate the teacher accordingly.

5. The department of elementary and secondary education and the department of economic development may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset ten years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

168.133. CRIMINAL BACKGROUND CHECKS REQUIRED FOR SCHOOL PERSONNEL, WHEN, PROCEDURE — RULEMAKING AUTHORITY. — 1. **As used in this section, "screened volunteer" shall mean any person who assists a school by providing uncompensated service and who may periodically be left alone with students. The school district shall ensure that a criminal background check is conducted for all screened volunteers, who shall complete the criminal background check prior to being left alone with a student. Screened volunteers include, but are not limited to, persons who regularly assist in the office or library, mentor or tutor students, coach or supervise a school-sponsored activity before or after school, or chaperone students on an overnight trip. Screened volunteers may only access student education records when necessary to assist the district and while supervised by staff**

members. Volunteers that are not screened shall not be left alone with a student or have access to student records.

2. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, **screened volunteers,** and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

[~~2.~~**]** **3.** In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

[~~3.~~**]** **4.** The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

[~~4.~~**]** **5.** The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to **[**~~589.475~~**]** **589.426**, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

[~~5.~~**]** **6.** The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

[~~6.~~**]** **7.** If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

[~~7.~~**]** **8.** Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

[~~8.~~**]** **9.** For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

[~~9.~~**]** **10.** A criminal background check and fingerprint collection conducted under subsections 1 **[**~~and 2~~**] to 3** of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 **[**~~and 2~~**] to 3** for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

[~~10.~~**]** **11.** Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

[~~11.~~**]** **12.** The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

168.221. PROBATIONARY PERIOD FOR TEACHERS — REMOVAL OF PROBATIONARY AND PERMANENT PERSONNEL — HEARING — DEMOTIONS — REDUCTION OF PERSONNEL (METROPOLITAN DISTRICTS). — 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his or her incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal

have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, incompetency, or inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense thereto. At the request of any person so charged the hearing shall be public. During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. **Should the special administrative board relinquish power to the district's elected board of education, such board of education may also appoint a hearing officer to conduct the hearing.** The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher. The board shall render a decision on the charges upon the review of the hearing officer's recommendations and the record from the hearing. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Incompetency or inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least thirty days prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the incompetency or inefficiency with such particularity as to enable the teacher to be informed of the nature of his or her incompetency or inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his or her salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his or her placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board.

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.

8. Should the state mandate that professional development for teachers be provided in local school districts and any funds be utilized for such, a metropolitan school district shall be allowed to utilize a professional development plan for teachers which is known within the administration as the "St. Louis Plan", should the district and the teacher decide jointly to participate in such plan.

170.020. SOCIAL AND EMOTIONAL HEALTH EDUCATION, VOLUNTARY PILOT PROJECT. — 1. (1) The department of elementary and secondary education, through its school counseling section, shall be authorized to establish a voluntary pilot program, beginning in the 2020-2021 school year, to provide for social and emotional health education in elementary schools in the state. The purpose of the pilot program shall be to determine whether and how to implement an elementary social and emotional health education program statewide.

(2) The department, through its employees who work in the school counseling section, is authorized to select from among applications submitted by the public elementary schools a minimum of sixteen public elementary schools for participation in the pilot program. If fewer than sixteen schools apply for participation in the program, the department shall select as many eligible schools possible for partnership in the pilot program. The department shall develop an application process for public elementary schools to apply to participate in the pilot program. The local school board for each elementary school selected to be in the pilot program shall agree to implement and fully fund an elementary social and emotional health program in such school and to continue to provide such elementary social and emotional health education program for a period no shorter than three years. The local school district may employ a social and emotional health teacher to provide such program for the elementary school.

(3) The department, through its employees who work in the school counseling section, and local school districts shall collaborate to establish the instructional model for each elementary social and emotional health education program. Such instructional model shall be grade-appropriate and include instruction in an organized classroom, including

instruction on how to set and achieve positive goals, how to utilize coping strategies to handle stress, and shall have an increased emphasis on protective factors, such as problem-solving skills, social support and social connectedness through positive relationships and teamwork.

(4) The department, through its school counseling section, shall provide for a program evaluation regarding the success and impact of the pilot program upon completion of the third year of the pilot program and shall report the results of such evaluation to the relevant house and senate committees on health and mental health, and education.

2. The department shall maintain an adequate number of full-time employees, certified in social and emotional health education and distributed regionally throughout the state, to provide accountability for program delivery of social and emotional health education, to continue to develop and maintain pertinent social and emotional health education instructional model and standards, to assist local school districts on matters related to social and emotional health education, and to coordinate regional and state-wide activities supporting K-12 social and emotional health education programming.

3. Nothing in this section shall be construed to require public elementary schools to participate in the pilot program.

170.045. TRAUMA-INFORMED DEVELOPMENTALLY APPROPRIATE SEXUAL ABUSE TRAINING, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In school year 2020-21 and in each school year thereafter, each school district shall provide trauma-informed, developmentally-appropriate sexual abuse training to students in all grades not lower than sixth grade. School districts must include in the training the following:

(1) Instruction providing students with the knowledge and tools to recognize sexual abuse;

(2) Instruction providing students with the knowledge and tools to report an incident of sexual abuse;

(3) Actions that a student who is a victim of sexual abuse could take to obtain assistance and intervention; and

(4) Available resources for students affected by sexual abuse.

2. The department of elementary and secondary education shall provide guidance and training materials school districts may use to comply with the provisions of this section. The training materials shall be developed in consultation with the task force on the prevention of sexual abuse of children as established in section 210.1200.

3. The school district shall notify parents or guardians in advance of the training required under this section, of the content of the instruction, and the parent or guardian's right to have the student excused from the instruction. Upon written request of the parent or guardian of a student, the student shall be excused from instruction.

4. The department of elementary and secondary education may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

171.031. BOARD TO PREPARE CALENDAR — MINIMUM TERM — OPENING DATES — EXEMPTIONS. — 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, days of planned attendance, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.

2. Each local school district may set its opening date each year, which date shall be no earlier than **[**~~ten~~**]** **fourteen** calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless**, for calendars for school years before school year 2020-21,** the district follows the procedure set forth in subsection 3 of this section. **The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2020-21 and for subsequent years.**

3. **For calendars for school years before school year 2020-21,** a district may set an opening date that is more than **[**~~ten~~**]** **fourteen** calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than **[**~~ten~~**]** **fourteen** days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than **[**~~ten~~**]** **fourteen** calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than **[**~~ten~~**]** **fourteen** days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

171.033. MAKE-UP OF HOURS LOST OR CANCELLED, NUMBER REQUIRED — EXEMPTION, WHEN — WAIVER FOR SCHOOLS, GRANTED WHEN. — 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, **excessive heat,** flooding, or a tornado**[**~~, but such term shall not include excessive heat~~**]**.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except

as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

4. The commissioner of education may provide, for any school district that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance or, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather or fire.

5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and subsequent years, a district shall not be required to make up any hours of school lost or cancelled due to exceptional or emergency circumstances during a school year if the district has an alternative methods of instruction plan approved by the department of elementary and secondary education for such school year. Exceptional or emergency circumstances shall include, but not be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease. The department of elementary and secondary education shall not approve any such plan unless the district demonstrates that the plan will not negatively impact teaching and learning in the district.

(2) If school is closed due to exceptional or emergency circumstances and the district has an approved alternative methods of instruction plan, the district shall notify students and parents on each day of the closure whether the alternative methods of instruction plan is to be implemented for that day. If the plan is to be implemented on any day of the closure, the district shall ensure that each student receives assignments for that day in hard copy form or receives instruction through virtual learning or another method of instruction.

(3) A district with an approved alternative methods of instruction plan shall not use alternative methods of instruction as provided for in the plan for more than thirty-six hours during a school year. A district that has used such alternative methods of instruction for thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of this section, to make up any subsequent hours of school lost or cancelled due to exceptional or emergency circumstances during such school year.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(4) The department of elementary and secondary education shall give districts with approved alternative methods of instruction plans credit for the hours in which they use alternative methods of instruction by considering such hours as hours in which school was actually in session.

(5) Any district wishing to use alternative methods of instruction under this subsection shall submit an application to the department of elementary and secondary education. The application shall describe:

(a) The manner in which the district intends to strengthen and reinforce instructional content while supporting student learning outside the classroom environment;

(b) The process the district intends to use to communicate to students and parents the decision to implement alternative methods of instruction on any day of a closure;

(c) The manner in which the district intends to communicate the purpose and expectations for a day in which alternative methods of instruction will be implemented to students and parents;

(d) The assignments and materials to be used within the district for days in which alternative methods of instruction will be implemented to effectively facilitate teaching and support learning for the benefit of the students;

(e) The manner in which student attendance will be determined for a day in which alternative methods of instruction will be implemented. The method chosen shall be linked to completion of lessons and activities;

(f) The instructional methods, which shall include instruction through electronic means and instruction through other means for students who have no access to internet services or a computer;

(g) Instructional plans for students with individualized education programs; and

(h) The role and responsibility of certified personnel to be available to communicate with students.

6. For the 2018-2019 school year, a district shall be exempt from the requirements of subsections 2 and 3 of this section, and only be required to make up the first six days of school lost or cancelled due to inclement weather.

177.086. CONSTRUCTION OF FACILITIES, SEALED BIDS AND PUBLIC ADVERTISEMENT REQUIRED, WHEN. — 1. Any school district authorizing the construction of facilities which may exceed an expenditure of **[**~~fifteen~~**]** **fifty** thousand dollars shall publicly advertise, once a week for two consecutive weeks, in a newspaper of general circulation, qualified pursuant to chapter 493, located within the city in which the school district is located, or if there be no such newspaper, in a qualified newspaper of general circulation in the county, or if there be no such newspaper, in a qualified newspaper of general circulation in an adjoining county, and may advertise in business, trade, or minority newspapers, for bids on said construction.

2. No bids shall be entertained by the school district which are not made in accordance with the specifications furnished by the district and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting, provided that the district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district's choosing.

178.530. STATE BOARD TO ESTABLISH STANDARDS, INSPECT AND APPROVE SCHOOLS — LOCAL BOARDS TO REPORT — ALLOCATION OF MONEY — STANDARDS FOR AGRICULTURAL

EDUCATION. — 1. The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational, vocational schools, State Technical College of Missouri, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, State Technical College of Missouri, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, State Technical College of Missouri, departments and classes shall be made semiannually. The school board of each approved school or the governing body of State Technical College of Missouri shall file a report with the state board of education at the times and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district or State Technical College of Missouri. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer or State Technical College of Missouri.

2. Notwithstanding the provisions of subsection 1 of this section, the state board of education shall establish standards for agricultural education that may be adopted by a private school accredited by an agency recognized by the United States Department of Education as an accreditor of private schools that wishes to provide quality vocational programming outside the requirements of, but consistent with, the federal Vocational Education Act. Such standards shall be sufficient to qualify a private school to apply to the state chapter for approval of a local chapter of a federally chartered national agricultural education association on a form developed for that purpose by the department of elementary and secondary education without eligibility to receive state or federal funding for agricultural vocational education. The provisions of this subsection shall not be construed to create eligibility for a private school to receive state or federal funding for agricultural vocational education, but shall not prohibit a private school from receiving state or federal funds for which such private school would otherwise be eligible for agricultural vocational education. Any such private school shall reimburse the department annually for the cost of oversight and maintenance of the program.

3. (1) The department of elementary and secondary education, through its agricultural education section, shall be authorized to establish a pilot program, beginning in the 2020-2021 school year, to provide for agricultural education in elementary schools in the state. The purpose of the pilot program shall be to determine whether and how to implement an elementary agricultural education program statewide.

(2) The department, through its employees who work in the agricultural education section, is authorized to select from among applications submitted by the public elementary schools a minimum of sixteen public elementary schools for participation in the pilot program. The department shall develop an application process for public elementary schools to apply to participate in the pilot program. The local school board for each elementary school selected to be in the pilot program shall agree to implement and fully fund an elementary agricultural education program in such school and to continue to provide such elementary agricultural education program for a period no shorter than three years.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

The local school district may employ an agricultural education teacher to provide such program for the elementary school.

(3) The department, through its employees who work in the agricultural education section, and local school districts shall collaborate to establish the instructional model for each elementary agricultural education program. Such instructional model shall be grade-appropriate and include instruction in an organized classroom, collaborative learning experiences through investigation and inquiry, including laboratory and site-based learning activities, and personal, leadership, and career development opportunities.

(4) The department, through its agricultural education section, shall provide for a program evaluation regarding the success and impact of the pilot program upon completion of the third year of the pilot program and shall report the results of such evaluation to the relevant house and senate committees on agriculture and education.

4. The department shall maintain an adequate number of full-time employees, certified in agricultural education and distributed regionally throughout the state, to provide accountability for program delivery of agricultural education, to continue to develop and maintain pertinent agricultural education instructional models and standards, to assist local school districts on matters related to agricultural education, and to coordinate regional and state-wide activities supporting K-12 agricultural education programming.

5. Nothing in this section shall be construed to require public elementary schools to participate in the pilot program.

210.110. DEFINITIONS. — As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(2) "Assessment and treatment services for children", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and in accordance with the periodicity schedule set forth by the American Academy of Pediatrics thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) "Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", includes, but is not limited to:

(a) The parents or legal guardians of a child;

(b) Other members of the child's household;

(c) Those exercising supervision over a child for any part of a twenty-four-hour day;

(d) Any **adult** person who has access to the child based on relationship to the parents of the child or members of the child's household or the family; **[**~~or~~**]**

(e) Any person who takes control of the child by deception, force, or coercion**; or**

(f) School personnel, contractors, and volunteers, if the relationship with the child was established through the school or through school related activities, even if the alleged abuse or neglect occurred outside of school hours or off school grounds.

Approved July 11, 2019

HB 612

Enacts provisions relating to the Missouri state council on the arts.

AN ACT to repeal section 620.010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state council on the arts.

SECTION

A.	Enacting clause.
26.275	Missouri state council on the arts assigned to office of lieutenant governor.
620.010	Department of economic development created — divisions — agencies — boards and commissions — personnel — powers and duties — rules, procedure.

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

SECTION A. ENACTING CLAUSE. — Section 620.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 26.275 and 620.010, to read as follows:

26.275. MISSOURI STATE COUNCIL ON THE ARTS ASSIGNED TO OFFICE OF LIEUTENANT GOVERNOR. — The Missouri state council on the arts, chapter 185, is transferred by type II transfer to the office of the lieutenant governor. The provisions of section 1 of the Omnibus State Reorganization Act of 1974 relating to the manner and procedures for transfer of state agencies shall apply to the transfer provided in this section, provided that the term "director of the department" as used in paragraph (b) of subdivision (1) of subsection 7 of section 1 of the act shall include the lieutenant governor solely for the purpose of transferring the state council on the arts to the office of the lieutenant governor. For the sole purpose of transferring the state council on the arts to the office of the lieutenant governor, in the event of any conflict, this section shall supersede section 1 of the Omnibus State Reorganization Act of 1974.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

620.010. DEPARTMENT OF ECONOMIC DEVELOPMENT CREATED — DIVISIONS — AGENCIES — BOARDS AND COMMISSIONS — PERSONNEL — POWERS AND DUTIES — RULES, PROCEDURE. — 1. There is hereby created a "Department of Economic Development" to be headed by a director appointed by the governor, by and with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 shall continue to apply to this department and its divisions, agencies and personnel.

2. The powers, duties and functions vested in the public service commission, chapters 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission, sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of economic development. The director of the department is directed to provide and coordinate staff and equipment services to these agencies in the interest of facilitating the work of the bodies and achieving optimum efficiency in staff services common to all the bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service commission from presenting additional budget requests or from explaining or clarifying its budget requests to the governor or general assembly.

3. The powers, duties and functions vested in the office of the public counsel are transferred by type III transfer to the department of economic development. Funding for the general counsel's office shall be by general revenue.

4. The public service commission is authorized to employ such staff as it deems necessary for the functions performed by the general counsel other than those powers, duties and functions relating to representation of the public before the public service commission.

5. All the powers, duties and functions vested in the tourism commission, chapter 258 and others, are transferred to the "Division of Tourism", which is hereby created, by type III transfer.

6. All the powers, duties and functions of the department of community affairs, chapter 251 and others, not otherwise assigned, are transferred by type I transfer to the department of economic development, and the department of community affairs is abolished. The director of the department of economic development may assume all the duties of the director of community affairs or may establish within the department such subunits and advisory committees as may be required to administer the programs so transferred. The director of the department shall appoint all members of such committees and heads of subunits.

7. **[**~~The state council on the arts, chapter 185 and others, is transferred by type II transfer to the department of economic development, and the members of the council shall be appointed by the director of the department.~~

~~8.~~**]** The Missouri housing development commission, chapter 215, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

[~~9.~~**] 8.** All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Workforce Development", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

[~~10.~~**] 9.** All the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the division of employment security within the department

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of labor and industrial relations related to job training and labor exchange that are funded with or based upon Wagner-Peyser funds, and other federal and state workforce development programs administered by the division of employment security are transferred by a type I transfer to the division of workforce development within the department of economic development.

[~~11.~~**] 10.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

Approved June 24, 2019

HB 655

Enacts provisions relating to feral hogs.

AN ACT to repeal section 270.400, RSMo, and to enact in lieu thereof one new section relating to feral hogs.

SECTION

A. Enacting clause.

270.400 Killing of feral hogs, permitted when — Russian or European wild boar or wild-caught swine, fencing and health standards — animal health fund created.

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

SECTION A. ENACTING CLAUSE. — Section 270.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 270.400, to read as follows:

270.400. KILLING OF FERAL HOGS, PERMITTED WHEN — RUSSIAN OR EUROPEAN WILD BOAR OR WILD-CAUGHT SWINE, FENCING AND HEALTH STANDARDS — ANIMAL HEALTH FUND CREATED. — 1. For purposes of this section, the **[**~~term~~**] following terms mean:**

(1) "Feral hog" **[**~~means~~**] ,** any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission**;**

(2) "Landowner's agent", any person who has permission from a landowner to be present on the landowner's property.

2. A person may kill a feral hog roaming freely upon such person's land and shall not be liable to the owner of the hog for the loss of the hog.

3. Any person may take or kill a feral hog on public land or private land with the consent of the landowner; except that, during the firearms deer and turkey hunting season the regulations of the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the hog for the loss of such hog.

4. No person except a landowner or such landowner's agent on such landowner's property shall take, attempt to take, or kill a feral hog with the use of an artificial light.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. The director of the department of agriculture shall promulgate rules for fencing and health standards for Russian and European wild boar and wild-caught swine held alive on private land. Any person holding Russian or European wild boar or wild-caught swine on private land shall annually submit an application to the department for a permit. Any applicant that successfully meets the requirements under this section as determined by the department and pays an application fee shall be issued a permit.

6. Russian and European wild boar and wild-caught swine may move only from a farm to a farm or directly to slaughter or to a slaughter-only market. The department shall promulgate rules for exemption permits and a fee structure to offset the actual and necessary costs incurred to enforce the provisions of this section.

7. (1) There is hereby created in the state treasury the "Animal Health Fund", which shall consist of all fees and administrative penalties collected by the department of agriculture under this section and section 270.260. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, moneys in the fund shall be used for the administration of this section and section 270.260.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

8. Any person who violates subsection 2 of section 270.260 may, in addition to the penalty imposed under section 270.260, be assessed an administrative penalty of up to one thousand dollars per violation. Any person who is assessed an administrative penalty under this section shall be notified in writing of the right to appeal. Such person may request a hearing before the director of the department of agriculture. Such request shall be made in writing no later than thirty days after the date on which the person was notified of the violation of section 270.260.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

10. Nothing in this section shall be construed to apply to domestic swine.

Approved June 6, 2019

SS HCS HB 677

Enacts provisions relating to certain tourism infrastructure facilities.

AN ACT to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

SECTION

A. Enacting clause.

67.641 General assembly may make appropriations, conditions, limitations — matching funds required locally.
99.585 Tourism infrastructure projects, funds may be expended, when — limitations — relocation of owners, repayment required.

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

SECTION A. ENACTING CLAUSE. — Section 67.641, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.641 and 99.585, to read as follows:

67.641. GENERAL ASSEMBLY MAY MAKE APPROPRIATIONS, CONDITIONS, LIMITATIONS — MATCHING FUNDS REQUIRED LOCALLY. — 1. The general assembly may annually appropriate up to three million dollars from the state general revenue fund to each convention and sports complex fund created pursuant to section 67.639, provided that for an existing sports facility located in a first class county with a charter form of government which contains part of a city having a population of three hundred fifty thousand inhabitants or more or any city with a population greater than three hundred fifty thousand, located in more than one county, such county or city has entered into a contract or lease with a professional sports team affiliated with or franchised by the National Football League, the National Basketball Association, the National Hockey League, or the American League or the National League of Major League Baseball. No moneys shall be transferred pursuant to this section to the benefit of a sports complex for a county in any year unless each professional sports team which leases playing facilities within the county continue to lease the same playing facilities which were leased on August 28, 1989. Each convention and sports complex fund shall be administered by the county or city and used to carry out the provisions of sections 67.638 to 67.645.

2. Each city or county which has a convention and sports complex fund established pursuant to the laws of this state which administers a convention and sports complex fund, prior to receipt of any appropriations pursuant to this section shall enact or promulgate ordinances, or rules and regulations which provide, pursuant to the terms and provisions of section 70.859, for the purchase of goods and services and for construction of capital improvements for the sports complex. In no event shall more than three million dollars be transferred from the state to any one such convention and sports complex fund in any fiscal year pursuant to this section, and in no event shall any moneys be transferred from the state to any convention and sports complex fund for the planning, development, construction, maintenance or operation of any facility after June 30, 1999. Only one such transfer of state funds shall be made to any convention and sports complex fund after June 30, 1997, provided that any convention and sports complex fund which was appropriated state moneys prior to July 1, 1997, for the construction, maintenance or operation of a facility shall continue to receive state moneys, subject to appropriation.

3. This section shall not become effective unless and until the applicable county or the applicable city which has created a convention and sports complex fund has commenced paying into the convention and sports complex fund amounts at a rate sufficient for the county or city to contribute the sum of three million dollars per calendar year, except that this section shall become effective with respect to any first class county not having a charter form of government on August 28, 1989, and with respect to any charter city located in a first class county not having a charter form of government at the time at which such county or city has commenced paying any moneys into its convention and sports complex fund. The appropriations made pursuant to subsection 1 of this section to any convention and sports complex fund shall not exceed the amounts contributed by the county or city to the fund. The county or city's proportional amount specified in this section

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may come from any source. Once the county or city has commenced paying such appropriate proportional amounts into its convention and sports complex fund, the county or city shall so notify the state treasurer and the director of revenue and, thereafter, subject to annual appropriation, transfers shall commence and continue each month pursuant to this section until such monthly transfers are made for **[**~~thirty~~**] forty** years. Moneys appropriated from general revenue shall not be expended until such first class charter county or a city located in such first class charter county has paid three million dollars into its fund, or until such first class county not having a charter form of government or until such charter city within a first class county not having a charter form of government has commenced payment of moneys into its fund.

99.585. TOURISM INFRASTRUCTURE PROJECTS, FUNDS MAY BE EXPENDED, WHEN — LIMITATIONS — RELOCATION OF OWNERS, REPAYMENT REQUIRED. — 1. The state of Missouri, acting through the department of economic development and the office of administration, or any other public body may, upon such terms and with reasonable consideration as it may determine, expend funds for the purpose of aiding and cooperating in the planning, undertaking, or carrying out of a land clearance project or projects within the area in which the public body is authorized to act to develop, construct, reconstruct, rehabilitate, repair, or improve any tourism infrastructure facilities existing as of August 28, 2019, and for which application is made and approved by the department of economic development no later than August 28, 2020. Any annual expenditure by a public body for such land clearance projects related to tourism infrastructure facilities shall be limited to a portion of tax revenues derived directly or indirectly from any such land clearance project or projects supported by such annual expenditure within such designated land clearance project area or areas, as stated in an agreement entered into between the authority and the public body under subdivision (10) of section 99.580; provided, however, that:

(1) The term of state appropriations under any such agreement shall not exceed twenty years;

(2) The annual amount of the state appropriation authorized under this section shall not exceed two million five hundred thousand dollars per year for any fiscal year ending on or before June 30, 2031, and four million five hundred thousand dollars per year for any fiscal year thereafter. No such appropriation shall be made prior to July 1, 2021;

(3) Any such land clearance project shall be determined to produce a positive net fiscal impact for the state over the term of such agreement, with such public or private assurances as the director of the department of economic development may reasonably require; and

(4) The director of the department of economic development shall make an annual written report on behalf of the department to the governor and the general assembly within ninety days of the end of each fiscal year detailing whether such land clearance project produced a positive net fiscal impact for the state in the prior fiscal year and projecting the overall net fiscal impact to the state over the term of such agreement.

2. As used in this section, "tourism infrastructure facilities" means structures, fixtures, systems, and facilities of multipurpose sports and entertainment venues with seating capacity less than twenty-five thousand, including associated parking facilities, owned by any public body and which the authority determines are a contributing factor in the attraction of sports, recreational, entertainment, or meeting activities, either professional or amateur, commercial or private. Such structures, fixtures, systems, and facilities may include, but are not limited to, foundations, roofs, interior and exterior walls or windows, floors, steps, stairs, concourses, hallways, restrooms, event or meeting spaces or other

hospitality-related areas, concession or food preparation areas, and services systems such as mechanical, gas utility, electrical, lighting, communication, sound, sanitary, HVAC, elevator, escalator, plumbing, sprinkler, cabling and wiring, life-safety security cameras, access deterrents, public safety improvements, or other building systems.

3. For any land clearance project for which funds are expended under this section on a facility utilized by a professional sports franchise, if the owners of such franchise relocate the franchise to another state during the period of the agreement entered into under subsection 1 of this section, such owners shall repay to the general revenue fund the amount of funds expended by the state pursuant to such agreement.

Approved July 9, 2019

SS HCS HB 694

Enacts provisions relating to records maintained by the Missouri highway patrol, with penalty provisions and an emergency clause for certain sections.

AN ACT to repeal sections 43.540 and 488.5050, RSMo, and to enact in lieu thereof four new sections relating to records maintained by the Missouri highway patrol, with penalty provisions and an emergency clause for certain sections.

SECTION

A.	Enacting clause.
43.539	Criminal record review, youth agencies and care of children, elderly, or disabled persons — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notification and forms provided by patrol.
43.540	Criminal record review, certain applicants and qualified entities — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notifications and forms provided by patrol.
43.548	Care of minors, elderly, or disabled persons, fingerprinting of applicants permitted.
488.5050	Surcharges on all criminal cases, amount — deposit in general revenue fund or DNA profiling analysis fund, when — expiration date.
B.	Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 43.540 and 488.5050, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 43.539, 43.540, 43.548, and 488.5050, to read as follows:

43.539. CRIMINAL RECORD REVIEW, YOUTH AGENCIES AND CARE OF CHILDREN, ELDERLY, OR DISABLED PERSONS — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATION AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

(1) "Applicant", a person who:

(a) Is actively employed by or seeks employment with a qualified entity;

(b) Is actively licensed or seeks licensure with a qualified entity;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(c) Actively volunteers or seeks to volunteer with a qualified entity;

(d) Is actively contracted with or seeks to contract with a qualified entity; or

(e) Owns or operates a qualified entity;

(2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or disabled persons;

(3) "Missouri criminal record review", a review of criminal history records and sex offender registration records under sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;

(4) "Missouri Rap Back program", any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

(5) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

(6) "National Rap Back program", any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

(7) "Patient or resident", a person who by reason of age, illness, disease, or physical or mental infirmity receives or requires care or services furnished by an applicant, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;

(8) "Qualified entity", a person, business, or organization that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;

(9) "Youth services agency", any agency, school, or association that provides programs, care, or treatment for or exercises supervision over minors.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of the registration, the qualified entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended, and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) The determination whether the criminal history record shows that the applicant has been convicted of or has a pending charge for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity. This section shall not require the Missouri state highway patrol to make such a determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section, with respect to an applicant, shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

(a) Name;

(b) Date of birth;

(c) Height;

(d) Weight;

(e) Eye color;

(f) Hair color;

(g) Gender;

(h) Race;

(i) Place of birth;

(j) Social Security number; and

(k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity under the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential, and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back program shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The entity has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section within the previous six years; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The Missouri state highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.540. CRIMINAL RECORD REVIEW, CERTAIN APPLICANTS AND QUALIFIED ENTITIES — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATIONS AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

(1) "Applicant", a person who:

(a) Is actively employed by or seeks employment with a qualified entity;

(b) Is actively licensed or seeks licensure with a qualified entity;

(c) Actively volunteers or seeks to volunteer with a qualified entity; **or**

(d) Is actively contracted with or seeks to contract with a qualified entity; **[**~~or~~

~~(e) Owns or operates a qualified entity;~~

~~(2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation;~~

~~(3)~~**] (2)** "Missouri criminal record review", a review of criminal history records and sex offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;

[~~(4)~~**] (3)** "Missouri Rap Back program", shall include any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

[~~(5)~~**] (4)** "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

[~~(6)~~**] (5)** "National Rap Back program", shall include any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

[~~(7) "Patient or resident", a person who by reason of age, illness, disease or physical or mental infirmity receives or requires care or services furnished by an applicant, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;~~

~~(8)~~**] (6)** "Qualified entity", an entity that is:

(a) **[**~~A person, business, or organization, whether public or private, for profit, not for profit, or voluntary, that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;~~

~~(b)~~**]** An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to issue or renew a license, permit, certification, or registration of authority;

[~~(c)~~**] (b)** An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to make fitness determinations on applications for state, county, or municipal government employment; **or**

[~~(d) A criminal justice agency, including law enforcement agencies that screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm; or~~**]**

[~~(e)~~**] (c)** Any entity that is authorized to obtain criminal history record information under 28 CFR 20.33**[**~~;~~

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~(9) "Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors~~**]**.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of such registration, the qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in **[**~~the National Child Protection Act of 1993, as amended,~~**]** **Pub. L. 92-544** and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with **[**~~the National Child Protection Act of 1993, as amended, and other applicant~~**]** **applicable** state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or are otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) **[**~~The determination whether the criminal history record shows that the applicant has been convicted of, or has a pending charge, for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity.~~**]** This section shall not require the Missouri state highway patrol to make **[**~~such a~~**]** **an eligibility** determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report, and of the applicant's right to challenge the accuracy and completeness of any information

contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section with respect to an applicant shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to**[**~~:~~

~~(1)~~**]** the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120**[**~~; and~~

~~(2)~~**]** **.** The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

(a) Name;

(b) Date of birth;

(c) Height;

(d) Weight;

(e) Eye color;

(f) Hair color;

(g) Gender;

(h) Race;

(i) Place of birth;

(j) Social Security number; and

(k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The agency has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section within the previous six years; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.548. CARE OF MINORS, ELDERLY, OR DISABLED PERSONS, FINGERPRINTING OF APPLICANTS PERMITTED. — 1. Missouri circuit courts and the department of social services may require the fingerprinting of applicants for adoptions or guardians, conservators, advocates, or personal representatives over minors or incapacitated, elderly, or disabled persons, including supervision and care over minors or elderly persons or persons with disabilities, for the purpose of positive identification and receiving criminal history information when determining an applicant's ability or fitness to serve in such capacity.

2. Fingerprint-based criminal history record checks submitted under subsection 1 of this section shall be forwarded to the Missouri state highway patrol to be used to search the state's criminal history repository, and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal background check under section 43.540. All applicable fees shall be paid under section 43.530. Notwithstanding the provisions of section 610.120, all records related to any criminal history information shall be accessible and available to the circuit court or state agency making the request.

488.5050. SURCHARGES ON ALL CRIMINAL CASES, AMOUNT — DEPOSIT IN GENERAL REVENUE FUND OR DNA PROFILING ANALYSIS FUND, WHEN — EXPIRATION DATE. — 1. In addition to any other surcharges authorized by statute, the clerk of each court of this state shall collect the surcharges provided for in subsection 2 of this section.

2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding filed within this state in all criminal cases in which the defendant is found guilty of a felony, except when the defendant is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter **[**~~195~~**] 579**, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all other criminal cases, except for traffic violation cases in which the defendant is found guilty of a misdemeanor.

3. Notwithstanding any other provisions of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state treasury. The fund shall be administered by the department of public safety. The moneys deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime lab to fulfill the purposes of the DNA profiling system pursuant to section 650.052. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

5. The provisions of subsections 1 and 2 of this section shall expire on August 28, **[**~~2019~~**]** **2029**.

SECTION B. EMERGENCY CLAUSE. — Because of the urgent need to protect the safety of the citizens of this state, the repeal and reenactment of section 43.540 and the enactment of sections 43.539 and 43.548 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 43.540 and the enactment of sections 43.539 and 43.548 of this act shall be in full force and effect upon its passage and approval.

Approved June 6, 2019

HCS HBs 812 & 832

Enacts provisions relating to the designation of memorial highways.

AN ACT to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial highways.

SECTION

A.	Enacting clause.
227.456	Trooper John N Greim memorial highway designated for portion of U.S. Highway 50 in Johnson County.
227.468	Trooper Fred L Walker memorial highway designated for portion of State Highway 33 in Clinton County.

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

SECTION A. ENACTING CLAUSE. — Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.456 and 227.468, to read as follows:

227.456. TROOPER JOHN N GREIM MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 50 IN JOHNSON COUNTY. — The portion of U.S. State Highway 50 from Business 50 east to the interchange with PCA Road in Johnson County shall be designated the "Trooper John N Greim Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.468. TROOPER FRED L WALKER MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 33 IN CLINTON COUNTY. — The portion of State Highway 33 from State Highway A continuing to South Street in Clinton County shall be designated the "Trooper Fred L Walker Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved June 6, 2019

SS HB 821

Enacts provisions relating to land banks, with penalty provisions.

AN ACT to repeal section 140.190, RSMo, and to enact in lieu thereof eighteen new sections relating to land banks, with penalty provisions.

SECTION

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

SECTION A. ENACTING CLAUSE. — Section 140.190, RSMo, is repealed and eighteen new sections enacted in lieu thereof, to be known as sections 140.190, 140.980, 140.981, 140.982, 140.983, 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.997, 140.1000, 140.1003, 140.1006, 140.1009, 140.1012, and 140.1015, to read as follows:

140.190. PERIOD OF SALE — MANNER OF BIDS — PROHIBITED SALES — SALE TO NONRESIDENTS. — 1. On the day mentioned in the notice, the county collector shall commence the sale of such lands, and shall continue the same from day to day until each parcel assessed or belonging to each person assessed shall be sold as will pay the taxes, interest and charges thereon, or chargeable to such person in said county.

2. The person **or land bank agency** offering at said sale to pay the required sum for a tract shall be considered the purchaser of such land; provided, no sale shall be made to any person or designated agent who is currently delinquent on any tax payments on any property, other than a delinquency on the property being offered for sale, and who does not sign an affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a false affidavit may invalidate such sale. No bid shall be received from any person not a resident of the state of Missouri or a foreign corporation or entity all deemed nonresidents. A nonresident shall file with said collector an agreement in writing consenting to the jurisdiction of the circuit court of the county in which such sale shall be made, and also filing with such collector an appointment of some citizen of said

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

county as agent of said nonresident, and consenting that service of process on such agent shall give such court jurisdiction to try and determine any suit growing out of or connected with such sale for taxes. After the delinquent auction sale, any certificate of purchase shall be issued to the agent. After meeting the requirements of section 140.405, the property shall be conveyed to the agent on behalf of the nonresident, and the agent shall thereafter convey the property to the nonresident.

3. All such written consents to jurisdiction and selective appointments shall be preserved by the county collector and shall be binding upon any person or corporation claiming under the person consenting to jurisdiction and making the appointment herein referred to; provided further, that in the event of the death, disability or refusal to act of the person appointed as agent of said nonresident the county clerk shall become the appointee as agent of said nonresident.

4. No person residing in any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants shall be eligible to offer to purchase lands under this section unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that the person is not the owner of any parcel of real property that has two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code-enforcement officials of the municipality. This subsection shall not apply to any taxing authority or land bank agency, and entities shall be eligible to bid at any sale conducted under this section without making such a demonstration.

140.980. CITATION OF LAW — DEFINITIONS. — 1. Sections 140.980 to 140.1015 shall be known and may be cited as the "Land Bank Act".

2. As used in sections 140.980 to 140.1015, the following terms mean:

(1) "Ancillary parcel", a parcel of real estate acquired by a land bank agency other than any sale conducted under section 140.190, 140.240, or 140.250;

(2) "Land bank agency", an agency established by a city under the authority of section 140.981;

(3) "Land taxes", taxes on real property or real estate, including the taxes both on the land and the improvements thereon;

(4) "Political subdivision", any county, city, town, village, school district, library district, or any other public subdivision or public corporation that has the power to tax;

(5) "Reserve period taxes", land taxes assessed against any parcel of real estate sold or otherwise disposed of by a land bank agency for the first three tax years following such sale or disposition;

(6) "Tax bill", real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(7) "Taxing authority", any governmental, managing, administering, or other lawful authority, now or hereafter empowered by law to issue tax bills.

140.981. LAND BANK AGENCY AUTHORIZED, PURPOSE — BENEFICIARIES — PUBLIC BODY CORPORATE AND POLITIC. — 1. Any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such land bank agency shall be established to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-

producing status, to use in private ownership. A city may establish a land bank agency by ordinance, resolution, or rule, as applicable.

2. A land bank agency shall not own any interest in real estate located wholly or partially outside the city that established the land bank.

3. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250, and their respective interests in each parcel of real estate shall be to the extent and in proportion to the priorities determined by the court on the basis that the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills described in the judgment.

4. A land bank agency created under the land bank act shall be a public body corporate and politic and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 140.1012.

140.982. ORGANIZATION, DUTIES, AND POWERS. — The governing body of the city establishing a land bank agency, or the chief administrative officer of the city establishing a land bank agency, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency. A land bank agency may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and other agents and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation and benefits of such persons. A land bank agency may also enter into contracts and agreements with political subdivisions for staffing services to be provided to the land bank agency by political subdivisions or agencies or departments thereof, or for a land bank agency to provide such staffing services to political subdivisions or agencies or departments thereof.

140.983. POWERS OF LAND BANK AGENCY. — A land bank agency established under the land bank act shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the land bank act, including the following powers in addition to those herein otherwise granted:

(1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To sue and be sued, in its own name, and plead and be impleaded in all civil actions including, but not limited to, actions to clear title to property of the land bank agency;

(3) To adopt a seal and to alter the same at pleasure;

(4) To borrow from private lenders, political subdivisions, the state, and the federal government as may be necessary for the operation and work of the land bank agency;

(5) To issue notes and other obligations according to the provisions of this chapter;

(6) To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources of the payment of any bond, note, loan, or other obligation, or portion thereof, incurred by the land bank agency and to pay any fees or premiums in connection therewith;

(7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this chapter;

(8) To enter into contracts and other instruments necessary, incidental, or convenient to:

(a) The performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments thereof; or

(b) The performance by political subdivisions, or agencies or departments thereof, of functions on behalf of the land bank agency;

(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank agency. Any contract or instrument if signed both by the executive director of the land bank agency and by the secretary, assistant secretary, treasurer, or assistant treasurer of the land bank agency, or by an authorized facsimile signature of any such positions, shall be held to have been properly executed for and on its behalf;

(10) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;

(11) To invest the moneys of the land bank agency, including amounts deposited in reserve or sinking funds, at the discretion of the land bank agency in instruments, obligations, securities, or property determined proper by the land bank agency and to name and use depositories for its moneys;

(12) To enter into contracts for the management of, the collection of rent from, or the sale of the property of the land bank agency;

(13) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;

(14) To fix, charge, and collect rents, fees, and charges for the use of the property of the land bank agency and for services provided by the land bank agency;

(15) To acquire property, whether by purchase, exchange, gift, lease, or otherwise, except not property not wholly located in the city that established the land bank agency; to grant or acquire licenses and easements; and to sell, lease, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;

(16) To enter into partnerships, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the ownership, management, development, and disposition of real property, except not for property not wholly located in the city that established the land bank agency; and

(17) Subject to the other provisions of this chapter and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.

140.984. AGENCY INCOME TO BE TAX EXEMPT — ACQUISITION OF PROPERTY, REQUIREMENTS. — 1. The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the county collector of such ownership, and such real estate shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly owned real estate. Upon the sale or other disposition of any real estate held by it, the land bank agency shall immediately notify the county assessor and the county collector of such change of ownership. However, that such tax exemption for improved and occupied real

property held by the land bank agency as a lessor pursuant to a ground lease shall terminate upon the first occupancy, and the land bank agency shall immediately notify the county assessor and the county collector of such occupancy.

2. A land bank agency may acquire real property or interests in property by gift, devise, transfer, exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a manner the land bank agency considers proper.

3. A land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. A land bank agency may bid on any parcel of real estate offered for sale, offered at a foreclosure sale under sections 140.220 to 140.250, or offered at a sale conducted under section 140.190, 140.240, or 140.250. Notwithstanding any other law to the contrary, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

4. A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

5. Upon issuance of a deed of a delinquent land tax auction under subsection 4 of section 140.250, subsection 5 of section 140.405, or other sale conducted under section 140.190, 140.240, or 140.250 of a parcel of real estate to a land bank agency, the land bank agency shall pay the amount of the land bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees, taxes, and costs then due thereon. If the real estate is acquired in a delinquent land tax auction, such excess shall be applied and distributed in accordance with section 140.230. Upon issuance of a deed, the county collector shall mark the tax bills included in the judgment as "cancelled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his or her books and in his or her statements with any other taxing authorities.

6. A land bank shall not own real property unless the property is wholly located within the boundaries of the city that established the land bank agency.

140.985. REAL PROPERTY TO BE HELD IN AGENCY NAME — PUBLIC INSPECTION OF INVENTORY — TRANSFER OF PROPERTY, REQUIREMENTS — PROCEEDS OF SALES, USE OF. — 1. A land bank agency shall hold in its own name all real property acquired by such land bank agency irrespective of the identity of the transferor of such property.

2. A land bank agency shall maintain and make available for public review and inspection an inventory and history of all real property the land bank agency holds or formerly held. This inventory and history shall be available on the land bank agency's website and include at a minimum:

(1) Whether a parcel is available for sale;

(2) The address of the parcel if an address has been assigned;

(3) The parcel number if no address has been assigned;

(4) The year that a parcel entered the land bank agency's inventory;

(5) Whether a parcel has sold; and

(6) If a parcel has sold, the name of the person or entity to which it was sold.

3. The land bank agency shall determine and set forth in policies and procedures the general terms and conditions for consideration to be received by the land bank agency for

the transfer of real property and interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property; contractual commitments of the transferee; and such other forms of consideration as the land bank agency determines to be in the best interest of its purpose.

4. A land bank agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge, and hypothecate any and all interests in, upon, or to property of the land bank agency. A land bank agency may gift any interest in, upon, or to property to the city that established the land bank agency.

5. A city may, in its resolution or ordinance creating a land bank agency, establish a hierarchical ranking of priorities for the use of real property conveyed by such land bank agency, subject to subsection 7 of this section, including, but not limited to:

(1) Use for purely public spaces and places;

(2) Use for affordable housing;

(3) Use for retail, commercial, and industrial activities;

(4) Use as wildlife conservation areas; and

(5) Such other uses and in such hierarchical order as determined by such city.

If a city, in its resolution or ordinance creating a land bank agency, establishes priorities for the use of real property conveyed by the land bank agency, such priorities shall be consistent with and no more restrictive than municipal planning and zoning ordinances.

6. The land bank agency may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of property by the land bank agency.

7. A land bank agency shall only accept written offers equal to or greater than the full amount of all tax bills, interest, penalties, attorney's fees, and costs on real property to purchase the real property held by the land bank agency.

8. When any parcel of real estate acquired by a land bank agency is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of the sale;

(2) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;

(3) To the balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and

(4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the land bank agency may determine.

9. When any ancillary parcel is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of all land taxes and related charges then due on such parcel;

(2) To the payment of the expenses of sale;

(3) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;

(4) To the balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and

(5) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, shall be paid in accordance with subdivision (4) of subsection 8 of this section.

10. If a land bank agency owns more than five parcels of real property in a single city block and no written offer to purchase any of those properties has been submitted to the agency in the past twelve months, the land bank agency shall reduce its requested price for those properties and advertise the discount publicly.

140.986. PRODUCTIVE USE OF PROPERTY, TIME PERIOD TO SHOW — EXTENSION, WHEN — PUBLIC SALE, WHEN. — 1. No later than two years from the date it acquired the property, a land bank agency shall either sell, put to a productive use, or show significant progress towards selling or putting to a productive use a parcel of real property. A productive use may be renting the property; demolishing all structures of the property; restoring property of historic value; or using the property for a community garden, park, or other open public space.

2. The governing body of the city may grant the land bank agency a one-year extension if the body determines by a majority vote that unforeseen circumstances have delayed the sale or productive use of a parcel of property.

3. If a land bank agency owns a parcel of real property that does not have a productive use after two years, or does not receive an extension under subsection 2 of this section, the property shall be offered for public sale using the procedures under sections 140.170 to 140.190.

140.987. SALE OF PROPERTY, BUYER MUST OWN FOR THREE YEARS — VIOLATION, CIVIL LIABILITY. — A land bank agency shall ensure that any contract for the sale of residential property owned by the land bank agency shall have a clause that the buyer shall own the property for three years following the buyer's purchase of the property from the land bank. The clause shall state that a violation of those terms makes the buyer civilly liable to the land bank agency for an amount equal to twice the sale price of the property.

140.988. FUNDING SOURCES FOR AGENCY — PROPERTY TAXES, DISTRIBUTION BY COUNTY COLLECTOR TO AGENCY AFTER SALE OF PROPERTY. — 1. A land bank agency may receive funding through grants, gifts, and loans from political subdivisions, the state, the federal government, and other public and private sources.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. Except as otherwise provided in subsections 8 and 9 of section 140.985, a land bank agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank agency under the land bank act.

3. If a land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by such land bank agency that are collected by the county collector in a calendar year and not refunded, less the fees provided under section 52.260 and subsection 4 of this section and less the amounts to be deducted under section 137.720, shall be distributed by the county collector to such land bank agency no later than March first of the following calendar year, provided that land taxes impounded under section 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to a land bank agency under this subsection shall be subject to offset for amounts previously distributed to such land bank agency that were assessed, collected, or distributed in error.

4. In addition to any other provisions of law related to collection fees, the county collector shall collect on behalf of the county a fee of four percent of reserve period taxes collected and such fees collected shall be deposited in the county general fund.

140.991. ANNUAL AUDIT, WHEN — PERFORMANCE AUDIT, WHEN. — 1. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of a land bank agency by a certified public accountant before April thirtieth of each year, which accountant shall be employed by the land bank agency on or before March first of each year. Certified copies of the audit shall be furnished to the city that established the land bank agency, and the city shall post the audit on its public website. Copies of the audit shall also be available for public inspection at the office of the land bank agency.

2. The land bank agency may be performance audited at any time by the state auditor or by the auditor of the city that established the land bank agency. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public and posted on the land bank agency's website within thirty days of the completion of the audit.

140.997. MEETING REQUIREMENTS. — Except as otherwise provided under state law, the land bank agency meetings shall cause minutes and a record to be kept of all its proceedings. The land bank agency shall be subject to the provisions of chapter 109, chapter 610, and any other applicable provisions of law governing public records and public meetings.

140.1000. LIMITATION ON AGENCY EMPLOYEES — VIOLATION, PENALTY — CONFLICTS OF INTEREST RULES. — 1. No employee of a land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or disposition of any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in the land bank act.

2. No employee of a land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 140.980 to 140.1015.

3. A violation of this section is a class D felony.

4. The land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for land bank agency employees, provided that such rules and regulations are not inconsistent with this chapter or any other applicable law.

140.1003. AGENCY TO HAVE COMPLETE CONTROL OF PROPERTY. — Except as otherwise expressly set forth in sections 140.980 to 140.1015, in the exercise of its powers and duties under the land bank act and its powers relating to property held by the land bank agency, the land bank agency shall have complete control of the property as fully and completely as if it were a private property owner.

140.1006. TAX LIEN ON AGENCY PROPERTY, TAXING AUTHORITY CONTRIBUTION AUTHORIZED. — 1. If any ancillary parcel is acquired by a land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority.

2. To the extent that a land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the county collector for distribution to the appropriate taxing authority.

140.1009. QUIET TITLE ACTION PERMITTED, PROCEDURE. — 1. A land bank agency shall be authorized to file an action to quiet title under section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions, the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as an adequate petitioner in such action.

2. Prior to the filing of an action to quiet title, the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property, by first class mail addressed to "Occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the city in which the property is located; and

(5) Such other methods as the court may order.

3. As part of the petition to quiet title, the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property and the form of notice provided.

4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and, as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

5. A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

140.1012. DISSOLUTION OF AGENCY, PROCEDURE. — 1. A land bank agency may be dissolved as a public body corporate and politic no sooner than sixty calendar days after an ordinance or resolution for such dissolution is passed by the city that established the land bank agency.

2. No less than sixty calendar days' advance written notice of consideration of such an ordinance or resolution of dissolution shall be given to the land bank agency, shall be published in a local newspaper of general circulation within such city, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency.

3. No land bank agency shall be dissolved while there remains any outstanding bonds, notes, or other obligations of the land bank agency unless such bonds, notes, or other obligations are paid or defeased pursuant to the resolution, indenture, or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution.

4. Upon dissolution of a land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the city that established the land bank agency. Such city shall act expeditiously to return such real property to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhood in which such real property is located. Any such real property that was acquired by the dissolved land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250 shall be held by the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure, and, upon the sale or other disposition of any such property by such city, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of sale;

(2) To the reasonable costs incurred by such city in maintaining and marketing such property; and

(3) The balance shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

140.1015. EMINENT DOMAIN, AGENCY NOT AUTHORIZED TO EXERCISE — NO POWER TO TAX. — A land bank agency shall neither possess nor exercise the power of eminent domain. A land bank agency shall not have the power to tax.

Approved June 11, 2019

HB 831

Enacts provisions relating to the establishment of a special license plate.

AN ACT to amend chapter 301, RSMo, by adding thereto two new sections relating to the establishment of a special license plate.

SECTION

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

SECTION A. ENACTING CLAUSE. — Chapter 301, RSMo, is amended by adding thereto two new sections, to be known as sections 301.3067 and 301.3174, to read as follows:

301.3067. MISSOURI ASSOCIATION OF MUNICIPAL UTILITIES SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem use authorization fee to the Missouri Association of Municipal Utilities. The Missouri Association of Municipal Utilities hereby authorizes the use of its official utility worker emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any contribution to such association derived from this section, except reasonable administrative costs, shall be used solely for financial assistance for utility worker training programs. Any Missouri resident may annually apply to the association for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Association of Municipal Utilities, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of the Missouri Association of Municipal Utilities utility worker, to the vehicle owner.

3. The license plate authorized by this section shall be of a design submitted by the Missouri Association of Municipal Utilities and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates.

4. A vehicle owner, who was previously issued plates with the Missouri Association of Municipal Utilities' utility worker emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued new plates which do not bear the Missouri Association of Municipal Utilities' utility worker emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

301.3174. ASSOCIATION OF MISSOURI ELECTRIC COOPERATIVES SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem use authorization fee to the Association of Missouri Electric Cooperatives. The Association of Missouri Electric Cooperatives hereby authorizes the use of its official Lineman emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any contribution to such association derived from this section, except reasonable administrative costs, shall be used solely for financial assistance for Lineman training programs. Any Missouri resident may annually apply to the association for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Association of Missouri Electric Cooperatives, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Association of Missouri Electric Cooperatives' Lineman, to the vehicle owner.

3. The license plate authorized by this section shall be of a design submitted by the Association of Missouri Electric Cooperatives and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate.

4. A vehicle owner, who was previously issued a plate with the Association of Missouri Electric Cooperatives' Lineman emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Association of Missouri Electric Cooperatives' Lineman emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

Approved July 11, 2019

HB 898

Enacts provisions relating to the establishment of a special license plate.

AN ACT to amend chapter 301, RSMo, by adding thereto one new section relating to the establishment of a special license plate.

SECTION

A. Enacting clause.

301.3175 Back the Blue special license plate, application, fee.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

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

SECTION A. ENACTING CLAUSE. — Chapter 301, RSMo, is amended by adding thereto one new section, to be known as section 301.3175, to read as follows:

301.3175. BACK THE BLUE SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner may apply for "Back the Blue" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten-dollar contribution to the Missouri Law Enforcement Memorial Foundation, the vehicle owner may apply for the "Back the Blue" plate. If the contribution is made directly to the Missouri Law Enforcement Memorial Foundation, the foundation shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Back the Blue" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "Back the Blue" plate. The applicant for such plate shall pay a fifteen-dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Back the Blue" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "Back the Blue" plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the words "BACK THE BLUE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

Approved July 9, 2019

SCS HB 926

Enacts provisions relating to license plates.

AN ACT to repeal section 301.560, RSMo, and to enact in lieu thereof three new sections relating to license plates.

SECTION

A. Enacting clause.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

301.560	Application requirements, additional — bonds, fees, signs required — license number, certificate of numbers — duplicate dealer plates, issues, fees — test driving motor vehicles and vessels, use of plates — proof of educational seminar required, exceptions, contents of seminar.
301.3066	Association of Missouri Electric Cooperatives special license plate, application, fee.
301.3067	Missouri Association of Municipal Utilities special license plate, application, fee.

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

SECTION A. ENACTING CLAUSE. — Section 301.560, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 301.560, 301.3066, and 301.3067, to read as follows:

301.560. APPLICATION REQUIREMENTS, ADDITIONAL — BONDS, FEES, SIGNS REQUIRED — LICENSE NUMBER, CERTIFICATE OF NUMBERS — DUPLICATE DEALER PLATES, ISSUES, FEES — TEST DRIVING MOTOR VEHICLES AND VESSELS, USE OF PLATES — PROOF OF EDUCATIONAL SEMINAR REQUIRED, EXCEPTIONS, CONTENTS OF SEMINAR. — 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant shall maintain a working telephone number during the entire registration year which will allow the public, the department, and law enforcement to contact the applicant during regular business hours. The applicant shall also maintain an email address during the entire registration year which may be used for official correspondence with the department. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall

contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.580. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of fifty thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the

appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Except as otherwise provided in subsection 6 of this section, upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application and payment by the applicant of a fee of fifty dollars for the first plate or certificate and ten dollars and fifty cents for each additional plate or certificate. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. The license plates described in this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers	D-0 through D-999
New powersport dealers	D-1000 through D-1999
Used motor vehicle and used powersport dealers	D-2000 through D-9999
Wholesale motor vehicle dealers	W-0 through W-1999
Wholesale motor vehicle auctions	WA-0 through WA-999
New and used trailer dealers	T-0 through T-9999
Motor vehicle, trailer, and boat manufacturers	DM-0 through DM-999
Public motor vehicle auctions	A-0 through A-1999
Boat dealers	M-0 through M-9999
New and used recreational motor vehicle dealers	RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed motor vehicle dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer. If the new approved dealer applicant elects not to retain the selling dealer's license number, the department shall issue the new dealer applicant a new dealer's license number and an equal number of plates or certificates as the department had issued to the selling dealer.

6. In the case of motor vehicle dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue one additional number plate to the applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for the additional number plate. The department may issue a third plate to the motor vehicle dealer upon completion of the dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents. In the case of new motor vehicle manufacturers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury,

the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, **for use by a customer while the customer's vehicle is being serviced or repaired by the motor vehicle dealer,** for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department.

10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.580, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.580, and any other rules and regulations promulgated by the department.

301.3066. ASSOCIATION OF MISSOURI ELECTRIC COOPERATIVES SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Association of Missouri Electric Cooperatives. The Association of Missouri Electric Cooperatives hereby authorizes the use of its official lineman emblem to be fixed on multi-year personalized license plates as provided in this section. Any contribution to such association derived from this section shall be used solely for financial assistance for lineman

training programs. Any Missouri resident may annually apply to the association for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Association of Missouri Electric Cooperatives, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of the Association of Missouri Electric Cooperatives' lineman, to the vehicle owner.

3. The license plates authorized by this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates.

4. A vehicle owner, who was previously issued plates with the Association of Missouri Electric Cooperatives' lineman emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued new plates which do not bear the Association of Missouri Electric Cooperatives' lineman emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3067. MISSOURI ASSOCIATION OF MUNICIPAL UTILITIES SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Missouri Association of Municipal Utilities. The Missouri Association of Municipal Utilities hereby authorizes the use of its official utility worker emblem to be fixed on multi-year personalized license plates as provided in this section. Any contribution to such association derived from this section shall be used solely for financial assistance for utility worker training programs. Any Missouri resident may annually apply to the association for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Association of Municipal Utilities, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of the Missouri Association of Municipal Utilities' utility worker, to the vehicle owner.

3. The license plates authorized by this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. A vehicle owner, who was previously issued plates with the Missouri Association of Municipal Utilities' utility worker emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued new plates which do not bear the Missouri Association of Municipal Utilities' utility worker emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

Approved July 9, 2019

SS SCS HCS HB 959

Enacts provisions relating to regulation of certain business organizations.

AN ACT to repeal sections 347.048, 351.360, and 407.825, RSMo, and to enact in lieu thereof four new sections relating to regulation of certain business organizations.

SECTION

A.	Enacting clause.
347.048	Affidavit filing required for certain limited liability companies — fees prohibited — failure to file, remedy.
351.360	Officers — how chosen — powers and duties.
407.824	Facility improvements and other changes not required by franchisee, when.
407.825	Unlawful practices.

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

SECTION A. ENACTING CLAUSE. — Sections 347.048, 351.360, and 407.825, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 347.048, 351.360, 407.824, and 407.825, to read as follows:

347.048. AFFIDAVIT FILING REQUIRED FOR CERTAIN LIMITED LIABILITY COMPANIES — FEES PROHIBITED — FAILURE TO FILE, REMEDY. — 1. (1) Any limited liability company that owns and rents or leases real property, or owns unoccupied real property, located within:

(a) Any home rule city with a population of more than four hundred thousand inhabitants which is located in more than one county; **[**~~or~~**]**

(b) Any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants; **or**

(c) Any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants

shall file with that city's clerk an affidavit listing the name and street address of at least one natural person who has management control and responsibility for the real property owned and leased or rented by the limited liability company, or owned by the limited liability company and unoccupied.

(2) Within thirty days following the cessation of management control and responsibility of any natural person named in an affidavit described in this section, the limited liability company shall file a successor affidavit listing the name and street address of a natural person successor.

2. No limited liability company shall be charged a fee for filing an affidavit or successor affidavit required under this section.

3. If a limited liability company required by this section to file an affidavit or a successor affidavit fails or refuses to file such completed affidavit with the appropriate clerk, any person who is adversely affected by the failure or refusal or the home rule city may petition the circuit court in the county where the property is located to direct the execution and filing of such document.

351.360. OFFICERS — HOW CHOSEN — POWERS AND DUTIES. — 1. Every corporation organized under this chapter shall have a president and a secretary, who shall be chosen by the directors, and such other officers and agents as shall be prescribed by the bylaws of the corporation. Unless the articles of incorporation or bylaws otherwise provide, any two or more offices may be held by the same person **and the offices of president, chief executive officer, and chairman of the board of directors may each be held by different persons**.

2. All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or, in the absence of such provision, as may be determined by resolution of the board of directors.

3. Any act required or permitted by any of the provisions of this chapter to be done by the president of the corporation may be done instead by the chairman of the board of directors, if any, of the corporation if the chairman of the board has previously been designated by the board of directors or in the bylaws to be the chief executive officer of the corporation, or to have the powers of the chief executive officer coextensively with the president, and such designation has been filed in writing with the secretary of state and such notice attested to by the secretary of the corporation.

407.824. FACILITY IMPROVEMENTS AND OTHER CHANGES NOT REQUIRED BY FRANCHISEE, WHEN. — 1. As used in this section, the following terms mean:

(1) "Goods", the same meaning as is ascribed to such term under section 400.2-105, except that such term shall not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer or franchisor;

(2) "Substantial reimbursement", a reimbursement in an amount equal to or greater than the cost of the savings that would result if the franchisee were to utilize a vendor of the franchisee's own selection instead of using the vendor identified by the manufacturer or franchisor.

2. No manufacturer or franchisor shall coerce or otherwise require any franchisee to construct improvements to facilities or install new signs or other franchise or image elements that replace or substantially alter improvements, signs, or franchise elements completed within the last ten years that were required and approved by the manufacturer or franchisee. For purposes of this subsection, the term "substantially alter" shall not include routine maintenance that is reasonably necessary to keep a franchisee's dealership facility in a safe and attractive condition.

3. Unless the manufacturer or franchisor provides substantial reimbursement for the goods or services, no manufacturer or franchisor shall require a franchisee to purchase goods or services to make improvements to the franchisee's facilities from a vendor selected, identified, or designated by the manufacturer or franchisor by agreement, program, incentive provision, bulletin, or otherwise, without allowing or making available to the franchisee the option to obtain goods or services of comparable grade, kind, quality, and

overall design and the same materials and characteristics from a vendor chosen by the franchisee and approved by the manufacturer or franchisor. Approval by a manufacturer or franchisor shall not be unreasonably withheld. This subsection shall not be construed to eliminate, impair, damage, or otherwise limit a manufacturer's or franchisor's intellectual property rights in any way.

4. The ten-year period set forth in this section shall commence for a franchisee, including such franchisee's successors and assigns, on the date that the manufacturer or franchisor gave final written approval of the facility, facility improvements, or installation of signs or other franchise or image elements or on the date that the franchisee receives a certificate of occupancy for the improved facility, whichever is later.

5. Nothing in this section shall prohibit a manufacturer or franchisor from requiring changes or updates to signs that contain the manufacturer or franchisor's brand, logo, or other intellectual property protected by federal intellectual property law more frequently than every ten years, provided that the manufacturer or franchisor shall offer the franchisee compensation for the sign or pay for the sign if sign changes are required less than five years apart.

407.825. UNLAWFUL PRACTICES. — Notwithstanding the terms of any franchise agreement to the contrary, the performance, whether by act or omission, by a motor vehicle franchisor, whether directly or indirectly through an agent, employee, affiliate, common entity, or representative, or through an entity controlled by a franchisor, of any or all of the following acts enumerated in this section are hereby defined as unlawful practices, the remedies for which are set forth in section 407.835:

(1) To engage in any conduct which is capricious or not in good faith or unconscionable and which causes damage to a motor vehicle franchisee or to the public; provided, that good faith conduct engaged in by motor vehicle franchisors as sellers of new motor vehicles or parts or as holders of security interest therein, in pursuit of rights or remedies accorded to sellers of goods or to holders of security interests pursuant to the provisions of chapter 400, uniform commercial code, shall not constitute unfair practices pursuant to sections 407.810 to 407.835;

(2) To coerce, attempt to coerce, require or attempt to require any motor vehicle franchisee to accept delivery of any new motor vehicle or vehicles, equipment, tools, parts or accessories therefor, or any other commodity or commodities which such motor vehicle franchisee has not ordered after such motor vehicle franchisee has rejected such commodity or commodities, or which is not required by law or the franchise agreement. It shall not be deemed a violation of this section for a motor vehicle franchisor to require a motor vehicle franchisee to have an inventory of parts, tools, and equipment reasonably necessary to service the motor vehicles sold by a motor vehicle franchisor; or new motor vehicles reasonably necessary to meet the demands of dealers or the public or to display to the public the full line of a motor vehicle franchisor's product line;

(3) To withhold, reduce, delay, or refuse to deliver in reasonable quantities and within a reasonable time after receipt of orders for new motor vehicles, such motor vehicles as are so ordered and as are covered by such franchise and as are specifically publicly advertised by such motor vehicle franchisor to be available for immediate delivery; provided, however, the failure to deliver any motor vehicle shall not be considered a violation of sections 407.810 to 407.835 if such failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, shortage of products or materials, freight delays, embargo or other causes of which such motor vehicle franchisor shall have no control;

(4) To coerce, attempt to coerce, require or attempt to require any motor vehicle franchisee to enter into any agreement with such motor vehicle franchisor or its agent, employee, affiliate, or representative, or a person controlled by the franchisor or to do any other act prejudicial to such motor vehicle franchisee;

(5) To terminate, cancel, refuse to continue, or refuse to renew any franchise without good cause, unless such new motor vehicle franchisee, without good cause, substantially defaults in the performance of such franchisee's reasonable, lawful, and material obligations under such franchisee's franchise. In determining whether good cause exists, the administrative hearing commission shall take into consideration all relevant circumstances, including, but not limited to, the following factors:

(a) The amount of business transacted by the franchisee;

(b) The investments necessarily made and obligations incurred by the franchisee, including but not limited to goodwill, in the performance of its duties under the franchise agreement, together with the duration and permanency of such investments and obligations;

(c) The potential for harm and inconvenience to consumers as a result of disruption of the business of the franchisee;

(d) The franchisee's failure to provide adequate service facilities, equipment, parts, and qualified service personnel;

(e) The franchisee's failure to perform warranty work on behalf of the manufacturer, subject to reimbursement by the manufacturer;

(f) The franchisee's failure to substantially comply, in good faith, with requirements of the franchise that are determined to be reasonable, lawful, and material;

(g) The franchisor's failure to honor its requirements under the franchise;

(h) The potential harm to the area that the franchisee serves;

(i) The demographic and geographic characteristics of the area the franchisee serves; and

(j) The harm to the franchisor;

(6) To prevent by contract or otherwise, any motor vehicle franchisee from changing the capital structure of the franchisee's franchise or the means by or through which the franchisee finances the operation of the franchisee's franchise, provided the motor vehicle franchisee at all times meets any reasonable capital standards agreed to between the motor vehicle franchisee and the motor vehicle franchisor and grants to the motor vehicle franchisor a purchase money security interest in the new motor vehicles, new parts and accessories purchased from the motor vehicle franchisor;

(7) (a) To prevent, by contract or otherwise, any sale or transfer of a franchisee's franchise or interest or management thereof; provided, if the franchise specifically permits the franchisor to approve or disapprove any such proposed sale or transfer, a franchisor shall only be allowed to disapprove a proposed sale or transfer if the interest being sold or transferred when added to any other interest owned by the transferee constitutes fifty percent or more of the ownership interest in the franchise and if the proposed transferee fails to satisfy any standards of the franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which relate to the qualification, capitalization, integrity or character of the proposed transferee and which are reasonable. A franchisee or proposed franchisee may request, at any time, that the franchisor provide a copy of the standards which are normally relied upon by the franchisor to evaluate a proposed sale or transfer and a proposed transferee;

(b) The franchisee and the prospective franchisee shall cooperate with the franchisor in providing information relating to the prospective transferee's qualifications, capitalization, integrity and character;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(c) In the event of a proposed sale or transfer of a franchise, the franchisor shall be permitted to exercise a right of first refusal to acquire the franchisee's assets or ownership if:

a. The franchise agreement permits the franchisor to exercise a right of first refusal to acquire the franchisee's assets or ownership in the event of a proposed sale or transfer;

b. Such sale or transfer is conditioned upon the franchisor or franchisee entering a franchise agreement with the proposed transferee;

c. The exercise of the right of first refusal shall result in the franchisee and the franchisee's owners receiving the same or greater consideration and the same terms and conditions as contracted to receive in connection with the proposed sale or transfer;

d. The sale or transfer does not involve the sale or transfer to an immediate member or members of the family of one or more franchisee owners, defined as a spouse, child, grandchild, spouse of a child or grandchild, brother, sister or parent of the franchisee owner, or to the qualified manager, defined as an individual who has been employed by the franchisee for at least two years and who otherwise qualifies as a franchisee operator, or a partnership or corporation controlled by such persons; and

e. The franchisor agrees to pay the reasonable expenses, including attorney's fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed transferee prior to the franchisor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the franchise or the franchisee's assets. Notwithstanding the foregoing, no payment of such expenses and attorney's fees shall be required if the franchisee has not submitted or caused to be submitted an accounting of those expenses within fourteen days of the franchisee's receipt of the franchisor's written request for such an accounting. Such accounting may be requested by a franchisor before exercising its right of first refusal;

(d) For determining whether good cause exists for the purposes of this subdivision, the administrative hearing commission shall take into consideration all relevant circumstances, including, but not limited to, the following factors:

a. Whether the franchise agreement specifically permits the franchisor to approve or disapprove any proposed sale or transfer;

b. Whether the interest to be sold or transferred when added to any other interest owned by the proposed transferee constitutes fifty percent or more of the ownership interest in the franchise;

c. Whether the proposed transferee fails to satisfy the standards of the franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which related to the qualification, capitalization, integrity or character of the proposed transferee and which are lawful and reasonable;

d. The amount of business transacted by the franchisee;

e. The investments and obligations incurred by the franchisee, including but not limited to goodwill, in the performance of its duties under the franchise agreement, together with the duration and permanency of such investments and obligations;

f. The investments and obligations that the proposed transferee is prepared to make in the business;

g. The potential for harm and inconvenience to consumers as a result of the franchisor's decision;

h. The franchisor's failure to honor its requirements under the franchise;

i. The potential harm to the area that the franchisee serves;

j. The ability or willingness of the franchisee to continue in the business if the proposed transfer is not permitted;

k. The demographic and geographic characteristics of the area the franchisee serves; and

l. The harm to the franchisor;

(8) To prevent by contract or otherwise any motor vehicle franchisee from changing the executive management of the motor vehicle franchisee's business, unless the motor vehicle franchisor demonstrates that such change in executive management will be detrimental to the distribution of the motor vehicle franchisor's motor vehicles;

(9) To impose unreasonable standards of performance upon a motor vehicle franchisee or to require, attempt to require, coerce or attempt to coerce a franchisee to adhere to performance standards that are not applied uniformly to other similarly situated franchisees;

(10) To require, attempt to require, coerce, or attempt to coerce a motor vehicle franchisee at the time of entering into a franchise or any other arrangement to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by sections 407.810 to 407.835;

(11) To prohibit directly or indirectly the right of free association among motor vehicle franchisees for any lawful purpose;

(12) To provide any term or condition in any lease or other agreement ancillary or collateral to a franchise, including, but not limited to, any agreement with a common entity or any person required by the franchisor or controlled by or affiliated with the franchisor, which term or condition directly or indirectly violates the provisions of sections 407.810 to 407.835;

(13) Upon any termination, cancellation, refusal to continue, or refusal to renew any franchise or any discontinuation of any line-make or parts or products related to such line-make, failing to pay reasonable compensation to a franchisee as follows:

(a) The franchisee's net acquisition cost for any new, undamaged and unsold vehicle in the franchisee's inventory of either the current model year or one year-prior model year purchased from the franchisor or another franchisee of the same line-make in the ordinary course of business prior to receipt of a notice of termination or nonrenewal, provided the vehicle has less than seven hundred fifty miles registered on the odometer, including mileage incurred in delivery from the franchisor or in transporting the vehicle between dealers for sale;

(b) The franchisee's cost of each new, unused, undamaged and unsold part or accessory if the part or accessory is in the current parts catalog, less applicable allowances. In the case of sheet metal, a comparable substitute for the original package may be used. Reconditioned or core parts shall be valued at their core value, the price listed in the current parts catalog or the amount paid for expedited return of core parts, whichever is higher. If the part or accessory was purchased by the franchisee from an outgoing authorized franchisee, the franchisor shall purchase the part or accessory for the price in the current parts catalog. In the case of parts or accessories which no longer appear in the current parts catalog, the franchisor shall purchase the parts or accessories for the price in the last version of the parts catalog in which the part or accessory appeared;

(c) The fair market value of each undamaged sign owned by the franchisee which bears a trademark or trade name used or claimed by the franchisor if the sign was purchased from, or purchased at the request of, the franchisor. During the first seven years after its purchase, the fair market value of each sign shall be the franchisee's costs of purchasing the sign, less depreciation, using straight-line depreciation and a seven-year life of the asset;

(d) The fair market value of all equipment, tools, data processing programs and equipment and automotive service equipment owned by the franchisee which were recommended in writing and designated as equipment, tools, data processing programs and equipment, and automotive service equipment and purchased from, or purchased at the request of, the franchisor, if the equipment, tools, programs and equipment are in usable and good condition, except for reasonable

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wear and tear. During the first seven years after their purchase, the fair market value of each item of equipment, tools, and automotive service equipment shall be the franchisee's costs of purchasing the item, less depreciation, using straight-line depreciation and a seven-year life of the asset. During the first three years after its purchase, the fair market value of each item of required data processing programs and equipment shall be the franchisee's cost of purchasing the item, less depreciation, using straight-line depreciation and a three-year life of the asset;

(e) In addition to the costs referenced in paragraphs (a) to (d) of this subdivision, the franchisor shall pay the franchisee an additional five percent for handling, packing, storing and loading of any property subject to repurchase pursuant to this section, and the franchisor shall pay the shipper for shipping the property subject to repurchase from the location of the franchisee to the location directed by the franchisor;

(f) The amount remaining to be paid on any equipment or service contracts required by or leased from the franchisor or a subsidiary or company affiliated with or controlled or recommended by the franchisor. However, if the franchise agreement is voluntarily terminated by the franchisee, without coercion by the franchisor, then:

a. If the amount remaining to be paid on any equipment or service contract is owed to the franchisor, the franchisor shall cancel the obligation rather than paying the amount to the franchisee; and

b. If the amount remaining to be paid on any equipment or service contract is owed to a subsidiary or a company affiliated with or controlled or recommended by the franchisor, the franchisor may pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, but if the franchisor does not pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, such amount may be paid to the franchisee by the subsidiary or company affiliated with or controlled by the franchisor;

(g) If the dealer leases the dealership facilities, then the franchisor shall be liable for twelve months' payment of the gross rent or the remainder of the term of the lease, whichever is less. If the dealership facilities are not leased, then the franchisor shall be liable for the equivalent of twelve months' payment of gross rent. This paragraph shall not apply when the termination, cancellation, or nonrenewed line was under good cause related to a conviction and imprisonment for a felony involving moral turpitude that is substantially related to the qualifications, function, or duties of a franchisee as well as fraud and voluntary terminations of a franchise. Gross rent is the monthly rent plus the monthly cost of insurance and taxes. Such reasonable rent shall be paid only to the extent that the dealership premises are recognized in the franchise and only if they are used solely for performance in accordance with the franchise and not substantially in excess of those facilities recommended by the manufacturer or distributor. If the facility is used for the operations of more than one franchise, the gross rent compensation shall be adjusted based on the planning volume and facility requirements of the manufacturers, distributors, or branch or division thereof;

(h) The franchisor shall pay to the franchisee the amount remaining to be paid on any leases of computer hardware or software that is used to manage and report data to the manufacturer or distributor for financial reporting requirements and the amount remaining to be paid on any manufacturer or distributor required equipment leases, service contracts, and sign leases. The franchisor's obligation shall not exceed one year on any such lease. However, if the franchise agreement is voluntarily terminated by the franchisee, without coercion by the franchisor, then:

a. If the amount remaining to be paid is owed to the franchisor, the franchisor shall cancel the obligation rather than paying the amount to the franchisee; and

b. If the amount remaining to be paid is owed to a subsidiary or a company affiliated with or controlled or recommended by the franchisor, the franchisor may pay such amount to the

subsidiary or the company affiliated with or controlled by the franchisor, subject to the limit of the franchisor's one-year obligation, but if the franchisor does not pay such amount to the subsidiary or the company affiliated with or controlled by the franchisor, such amount may be paid to the franchisee by the subsidiary or company affiliated with or controlled by the franchisor, subject to the limit of the franchisor's one-year obligation;

(i) In addition to the other payments set forth in this section, if a termination, cancellation, or nonrenewal is premised upon the franchisor discontinuing the sale in this state of a line-make that was the subject of the franchise, then the franchisor shall also be liable to the franchisee for an amount at least equivalent to the fair market value of the franchisee's goodwill for the discontinued line-makes of the motor vehicle franchise on the date immediately preceding the date the franchisor announces the action which results in termination, cancellation, or nonrenewal, whichever amount is higher. At the franchisee's option, the franchisor may avoid paying fair market value of the motor vehicle franchise to the franchisee under this paragraph if the franchisor, or another motor vehicle franchisor under an agreement with the franchisor, offers the franchisee a replacement motor vehicle franchise with terms substantially similar to that offered to other same line-make dealers;

(j) The franchisor shall pay the franchisee all amounts incurred by the franchisee to upgrade its facilities that were required by the franchisor within twelve months prior to receipt of a notice of termination or nonrenewal; however, a franchisee shall not receive any benefits under this subdivision if it was terminated for the grounds set forth in subdivision (1) of subsection 4 of section 407.822. However, if the franchise agreement is voluntarily terminated by the franchisee, without coercion by the franchisor, and for a reason other than the death or incapacitation of the dealer principal, then the franchisor shall have no obligation under this paragraph; **[**~~and~~**]**

(k) The franchisor shall pay the franchisee the amounts specified in this subdivision along with any other amounts that may be due to the franchisee under the franchise agreement within sixty days after the tender of the property subject to the franchisee providing evidence of good and clear title upon return of the property to the franchisor. The franchisor shall remove the property within sixty days after the tender of the property from the franchisee's property. Unless previous arrangements have been made and agreed upon, the franchisee is under no obligation to provide insurance for the property left after sixty days;

(l) This subdivision shall not apply to a termination, cancellation or nonrenewal due to a sale of the assets or stock of the motor vehicle dealership;

(14) To prevent or refuse to honor the succession to a franchise or franchises by any legal heir or devisee under the will of a franchisee, under any written instrument filed with the franchisor designating any person as the person's successor franchisee, or pursuant to the laws of descent and distribution of this state; provided:

(a) Any designated family member of a deceased or incapacitated franchisee shall become the succeeding franchisee of such deceased or incapacitated franchisee if such designated family member gives the franchisor written notice of such family member's intention to succeed to the franchise or franchises within one hundred twenty days after the death or incapacity of the franchisee, and agrees to be bound by all of the lawful terms and conditions of the current franchise agreement, and the designated family member meets the current lawful and reasonable criteria generally applied by the franchisor in qualifying franchisees. In order for the franchisor to claim that any such reasonable criteria are generally applied by the franchisor in qualifying franchisees, it shall have previously provided a copy to the proposed successor franchisee within ten days after receiving the proposed successor franchisee's notice. A franchisee may request, at any time, that

the franchisor provide a copy of such criteria generally applied by the franchisor in qualifying franchisees;

(b) The franchisor may request from a designated family member such personal and financial data as is reasonably necessary to determine whether the existing franchise agreement should be honored. The designated family member shall supply the personal and financial data promptly upon the request;

(c) If the designated family member does not meet the reasonable and lawful criteria generally applied by the franchisor in qualifying franchisees, the discontinuance of the current franchise agreement shall take effect not less than ninety days after the date the franchisor serves the required notice on the designated family member pursuant to subsection 4 of section 407.822;

(d) The provisions of this subdivision shall not preclude a franchisee from designating any person as the person's successor by written instrument filed with the franchisor, and if such an instrument is filed, it alone shall determine the succession rights to the management and operation of the franchise; and

(e) For determining whether good cause exists, the administrative hearing commission shall take into consideration all circumstances, including, but not limited to, the following factors:

a. Whether the franchise agreement specifically permits the franchisor to approve or disapprove any successor;

b. Whether the proposed successor substantially fails to satisfy the material standards of the franchisor which are in fact normally relied upon by the franchisor prior to the successor entering into a franchise, and which relate to the proposed management or ownership of the franchise operation or to the qualification, capitalization, integrity or character of the proposed successor and which are lawful and reasonable;

c. The amount of the business transacted by the franchisee;

d. The investments in and the obligations incurred by the franchisee, including but not limited to goodwill in the performance of its duties under the franchise agreement, together with the duration and permanency of such investments and obligations;

e. The investments and obligations that the proposed successor franchisee is prepared to make in the business;

f. The potential for harm and inconvenience to consumers as a result of the franchisor's decision;

g. The franchisor's failure to honor its requirements under the franchise;

h. The potential harm and injury to the public welfare in the area that the franchisee serves;

i. The ability or willingness of the franchisee to continue in the business if the proposed transfer is not permitted;

j. The demographic and geographic characteristics of the area the franchisee serves; and

k. The harm to the franchisor;

(15) To coerce, attempt to coerce, require, or attempt to require a franchisee under any condition affecting or related to a franchise agreement, to waive, limit or disclaim a right that the franchisee may have pursuant to the provisions of sections 407.810 to 407.835. Any contracts or agreements which contain such provisions shall be deemed against the public policy of the state of Missouri and are void and unenforceable. Nothing in this section shall prohibit voluntary settlement agreements that specifically identify the provisions of sections 407.810 to 407.835 that the franchisee is waiving, limiting, or disclaiming;

(16) To initiate any act enumerated in this section on grounds that it has advised a franchisee of its intention to discontinue representation at the time of a franchisee change or require any franchisee to enter into a site control agreement as a condition to initiating any act enumerated in

this section. Such condition shall not be construed to nullify an existing site control agreement for a franchisee's property;

(17) To require, attempt to require, coerce, or attempt to coerce any franchisee in this state to refrain from, or to terminate, cancel, or refuse to continue any franchise based upon participation by the franchisee in the management of, investment in or the acquisition of a franchise for the sale of any other line of new vehicle or related products in the same or separate facilities as those of the franchisor. This subdivision does not apply unless the franchisee maintains a reasonable line of credit for each make or line of new vehicle, the franchisee remains in compliance with the franchise and any reasonable facilities requirements of the franchisor, and no change is made in the principal management of the franchisee. The reasonable facilities requirement shall not include any requirement that a franchisee establish or maintain exclusive facilities, personnel, or display space, when such requirements would not otherwise be justified by reasonable business considerations. Before the addition of a line-make to the dealership facilities the franchisee shall first request consent of the franchisor, if required by the franchise agreement. Any decision of the franchisor with regard to dualing of two or more franchises shall be granted or denied within sixty days of a written request from the franchisee. The franchisor's failure to respond timely to a dualing request shall be deemed to be approval of the franchisee's request;

(18) To fail or refuse to offer to sell to all franchisees for a line-make reasonable quantities of every motor vehicle sold or offered for sale to any franchisee of that line-make; however, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is due to a cause over which the franchisor has no control. A franchisor may impose reasonable requirements on the franchisee including, but not limited to, the purchase of reasonable quantities of advertising materials, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle, the meeting of reasonable display and facility requirements as a condition of receiving a motor vehicle, or other reasonable requirements; provided, that if a franchisor requires a franchisee to purchase essential service tools with a purchase price in the aggregate of more than seventy-five hundred dollars in order to receive a particular model of new motor vehicle, the franchisor shall upon written request provide such franchisee with a good faith estimate in writing of the number of vehicles of that particular model that the franchisee will be allocated during that model year in which the tools are required to be purchased;

(19) To directly or indirectly condition the awarding of a franchise to a prospective franchisee, the addition of a line-make or franchise to an existing franchisee, the renewal of a franchise of an existing franchisee, the approval of the relocation of an existing franchisee's facility, or the approval of the sale or transfer of the ownership of a franchise on the willingness of a franchisee, proposed franchisee, or owner of an interest in the dealership facility to enter into a site control agreement or exclusive use agreement. For purposes of this subdivision, the terms "site control agreement" and "exclusive use agreement" include any agreement that has the effect of either requiring that the franchisee establish or maintain exclusive dealership facilities or restricting the ability of the franchisee, or the ability of the franchisee's lessor in the event the dealership facility is being leased, to transfer, sell, lease, or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase, option to lease, or other similar agreement, regardless of the parties to such agreement. Any provision contained in any agreement entered into on or after August 28, 2010, that is inconsistent with the provisions of this subdivision shall be voidable at the election of the affected franchisee, prospective franchisee, or owner of an interest in the dealership facility, provided this

subdivision shall not apply to a voluntary agreement where separate, adequate, and reasonable consideration have been offered and accepted;

(20) Except for the grounds listed in subdivision (1) of subsection 4 of section 407.822, prior to the issuance of any notice of intent to terminate a franchise agreement under the MVFP act for unsatisfactory sales or service performance, the franchisor shall provide the franchisee with no less than one hundred twenty days written notice of the specific asserted grounds for termination. Thereafter, the franchisee shall have one hundred twenty days to cure the asserted grounds for termination, provided the grounds are both reasonable and of material significance to the franchise relationship. If the franchisee fails to cure the asserted grounds for termination by the end of the cure period, then the franchisor may give the sixty-day notice required by subsection 4 of section 407.822 if it intends to terminate the franchise;

(21) To require, attempt to require, coerce, or attempt to coerce a franchisee, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to:

(a) Exclude from the use of the franchisee's facilities a line-make for which the franchisee has a franchise agreement to utilize the facilities; or

(b) Materially change the franchisee's facilities or method of conducting business if the change would impose substantial or unreasonable financial hardship on the business of the franchisee;

(22) To fail to perform or cause to be performed any written warranties made with respect to any motor vehicle or parts thereof;

(23) To withhold, reduce, or delay unreasonably or without just cause services contracted for by franchisees;

(24) To coerce, attempt to coerce, require, or attempt to require any franchisee to provide installment financing with a specified financial institution;

(25) To require, attempt to require, coerce, or attempt to coerce any franchisee to close or change the location of the franchisee**[**~~, or to make any substantial alterations to the franchise premises or facilities when doing so would be unreasonable under the current market and economic conditions. Prior to suggesting the need for any such action, the franchisor shall provide the franchisee with a written good faith estimate of the minimum number of the models of new motor vehicles that the franchisor will supply to the franchisee during a reasonable time period, not less than three years, so the franchisee may determine if it is a sufficient supply of motor vehicles so as to justify such changes, in light of the current market and reasonably foreseeable projected and economic conditions. A franchisor or its common entity or an entity controlled by or affiliated with the franchisor may not take or threaten to take any action that is unfair or adverse to a franchisee who does not enter into an agreement with the franchisor under this subdivision. This subdivision does not affect any contract between a franchisor and any of its franchisees regarding relocation, expansion, improvement, remodeling, renovation, or alteration which exists on August 28, 2010~~**]**;

(26) To authorize or permit a person to perform warranty service repairs on motor vehicles unless the person is a franchisee with whom the manufacturer has entered into a franchise agreement for the sale and service of the manufacturer's motor vehicles unless:

(a) For emergency repairs when a franchisee is not available;

(b) For repairs pursuant to a fleet contract as long as all parts and labor to perform the repairs are less than one thousand five hundred dollars at retail per repaired vehicle; or

(c) For repairs performed by a facility under subsection 2 of section 407.826;

(27) To discriminate between or refuse to offer to its same line-make franchisees all models manufactured for that line-make based upon unreasonable sales and service standards;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(28) To fail to make practically available any incentive, rebate, bonus, or other similar benefit to a franchisee that is offered to another franchisee of the same line-make within this state;

(29) To condition a franchise agreement on improvements to a facility unless reasonably required by the technology of a motor vehicle being sold at the facility;

(30) To condition the sale, transfer, relocation, or renewal of a franchise agreement, or to condition sales, services, parts, or finance incentives, upon site control or an agreement to renovate or make improvements to a facility; except that voluntary acceptance of such conditions by the franchisee shall not constitute a violation;

(31) Failing to offer to all of its franchisees of the same line-make any consumer rebates, dealer incentives, price or interest rate reduction, or finance terms that the franchisor offers or advertises, or allows its franchisees of the same line-make to offer or advertise;

(32) Offering rebates, cash incentives, or other promotional items for the sale of a vehicle by its franchisees unless: the same rebate, cash incentive, or promotion is offered to all of its franchisees of the same line-make; and any rebate, cash incentive, or promotion that is based on the sale of an individual vehicle is not increased for meeting a performance standard;

(33) Unreasonably discriminating among its franchisees in any program that provides assistance to its franchisees, including internet listings, sales leads, warranty policy adjustments, marketing programs, and dealer recognition programs;

(34) To fail to include in any franchise with a franchisee the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect;

(35) To withhold, reduce, or delay unreasonably or without just cause delivery of motor vehicle parts and accessories, commodities, or moneys due franchisees;

(36) To use or consider the performance of a franchisee relating to the sale of the franchisor's vehicles or the franchisee's ability to satisfy any minimum sales or market share quota or responsibility relating to the sale of the new vehicles in determining:

(a) The franchisee's eligibility to purchase program, certified, or other used motor vehicles from the franchisor;

(b) The volume, type, or model of program, certified, or other used motor vehicles that a franchisee is eligible to purchase from the franchisor;

(c) The price of any program, certified, or other used motor vehicle that the franchisee purchased from the franchisor; or

(d) The availability or amount of any discount, credit, rebate, or sales incentive that the franchisee is eligible to receive from the franchisor, for the purpose of any program, certified, or other used motor vehicle offered for sale by the franchisor;

(37) To refuse to allocate, sell, or deliver motor vehicles; to charge back or withhold payments or other things of value for which the franchisee is otherwise eligible under a sales promotion, program, or contest; to prevent a franchisee from participating in any promotion, program, or contest; or to take or threaten to take any adverse action against a franchisee, including charge-backs, reducing vehicle allocations, or terminating or threatening to terminate a franchise because the franchisee sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle, unless the franchisor proves that the franchisee knew or reasonably should have known that the customer intended to export or resell the motor vehicle. There is a rebuttable presumption that the franchisee neither knew nor reasonably should have

known of its customer's intent to export or resell the vehicle if the vehicle is titled or registered in any state in this country. A franchisor may not take any action against a franchisee, including reducing its allocations or supply of motor vehicles to the franchisee, or charging back a franchisee for an incentive payment previously paid, unless the franchisor first meets in person, by telephone, or video conference with an officer or other designated employee of the franchisee. At such meeting, the franchisor shall provide a detailed explanation, with supporting documentation, as to the basis for its claim that the franchisee knew or reasonably should have known of the customer's intent to export or resell the motor vehicle. Thereafter, the franchisee shall have a reasonable period, commensurate with the number of motor vehicles at issue, but not less than fifteen days, to respond to the franchisor's claims. If, following the franchisee's response and completion of all internal dispute resolution processes provided through the franchisor, the dispute remains unresolved, the franchisee may file a complaint with the administrative hearing commission within thirty days after receipt of a written notice from the franchisor that it still intends to take adverse action against the franchisee with respect to the motor vehicles still at issue. If a complaint is timely filed, the administrative hearing commission shall notify the franchisor of the filing of the complaint, and the franchisor shall not take any action adverse to the franchisee until the administrative hearing commission renders a final determination, which is not subject to further appeal, that the franchisor's proposed action is in compliance with the provisions of this subdivision. In any hearing under this subdivision, the franchisor has the burden of proof on all issues raised by this subdivision;

(38) To require a franchisee to provide its customer lists or service files to the franchisor, unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for reasonable marketing purposes or for the submission to the franchisor for any services supplied by the franchisee for any claim for warranty parts or repairs. Nothing in this section shall limit the franchisor's ability to require or use customer information to satisfy any safety or recall notice obligation;

(39) To mandate the use by the franchisee, or condition access to any services offered by the franchisor on the franchisee's use, or condition the acceptance of an order of any product or service offered by the franchisor on the franchisee's use, or condition the acceptance of any claim for payment from the franchisee on the franchisee's use, or condition the franchisee's participation in any program offered by the franchisor, a common entity or an entity controlled by the franchisor on the franchisee's use of any form, equipment, part, tool, furniture, fixture, data processing program or equipment, automotive service equipment, or sign from the franchisor, a vendor recommended by the franchisor, a common entity or an entity controlled by the franchisor if the franchisee is able to obtain the identical or reasonably equivalent product from another vendor;

(40) Establishing any performance standard or program for measuring franchisee performance that may have a material impact on a franchisee that is not fair, reasonable, and equitable, or applying any such standard or program to a franchisee in a manner that is not fair, reasonable, and equitable. Within ten days of a request of a franchisee, a franchisor shall disclose in writing to the franchisee a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that franchisee unless the information is available to the franchisee on the franchisor's website;

(41) Establishing or implementing a plan or system for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its franchisees that is not fair, reasonable, and equitable or modifying an existing plan or system so as to cause the plan or system to be unreasonable, unfair, or inequitable. Within ten days of any request of a franchisee, the franchisor shall disclose in writing to the franchisee the method and mode of distribution of that line-make

among the franchisor's franchisees of the same line-make within the same metro area for franchisees located in a metropolitan area and within the county and contiguous counties of any franchisee not located in a metropolitan area; and

(42) To violate any other provision of the MVFP act that adversely impacts a franchisee.

Approved July 10, 2019

SS HCS HB 1088

Enacts provisions relating to the office of administration.

AN ACT to repeal sections 33.150, 34.040, 34.042, 34.044, 34.047, 37.007, 536.015, 536.025, 536.031, 536.033, 536.200, and 536.205, RSMo, and to enact in lieu thereof fourteen new sections relating to the office of administration.

SECTION

A.	Enacting clause.
33.150	Preserve all accounts and vouchers — destroy, when.
34.040	Purchases to be made on competitive bids, when, how — standard specifications, when — exception — failure to pay taxes, effect of.
34.042	Competitive bidding may be waived for competitive proposals, when — procedure — contract to be let to the lowest and best offeror.
34.044	One source of supplies, waiver of competitive bids and proposals — rescission of waiver, when — single source exists, when — advertising waived, when.
34.047	Information technology purchases, online bidding/vendor registration system to be used for notice, when.
37.007	Credit card, debit card, and other electronic payments, statewide system for all state agencies and departments.
37.960	Capital improvements and construction projects, report, contents.
174.345	Long-term concession projects, concession agreements with private developers permitted.
536.015	Missouri Register published at least monthly.
536.025	Emergency rule powers — procedure — definitions.
536.031	Code to be published — to be revised monthly — incorporation by reference authorized.
536.033	Sale of register and code of state regulations, cost, how established — correction of clerical errors authorized.
536.200	Fiscal note for proposed rules affecting public funds, required when, where filed, contents — failure to file, procedure — publication — effect of failure to publish — first year evaluation, publication — challenges to rule for failure to meet requirement, time limitations.
536.205	Fiscal notes for proposed rules affecting private persons or entities, required, when, where filed, contents — publication — effect of failure to publish — challenges to rule for failure to comply, time limitation.

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

SECTION A. ENACTING CLAUSE. — Sections 33.150, 34.040, 34.042, 34.044, 34.047, 37.007, 536.015, 536.025, 536.031, 536.033, 536.200, and 536.205, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 33.150, 34.040, 34.042, 34.044, 34.047, 37.007, 37.960, 174.345, 536.015, 536.025, 536.031, 536.033, 536.200, and 536.205, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

33.150. PRESERVE ALL ACCOUNTS AND VOUCHERS — DESTROY, WHEN. — The original**, or exact digital copy of the original,** of all accounts, vouchers and documents approved or to be approved by the commissioner of administration shall be preserved in his office; and copies thereof shall be given without charge to any person, county, city, town, township and school or special road district interested therein, that may require the same for the purpose of being used as evidence in the trial of the cause, and like copies shall be furnished to any corporation or association requiring the same, under tender of the fees allowed by law; provided, that the commissioner of administration may destroy or dispose in the manner provided by law of all paid accounts, vouchers and duplicate receipts of the state treasurer and other documents which may have been on file in the office of the commissioner of administration or his predecessor as custodian of such documents for a period of five years or longer, except such documents as may at the time be the subject of litigation or dispute.

34.040. PURCHASES TO BE MADE ON COMPETITIVE BIDS, WHEN, HOW — STANDARD SPECIFICATIONS, WHEN — EXCEPTION — FAILURE TO PAY TAXES, EFFECT OF. — 1. All purchases in excess of **[**~~three~~**] ten** thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be **[**~~twenty-five~~**] one hundred** thousand dollars or over, except as provided in subsection 6 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. The director of the department of revenue shall follow bidding procedures as contained in this chapter and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

6. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

7. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise.

8. The commissioner of administration may hold reverse auctions to procure merchandise, supplies, raw materials, or finished goods if price is the primary factor in evaluating bids, excluding items in section 34.047. The office of administration shall promulgate rules regarding the handling of the reverse auction process.

9. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

34.042. COMPETITIVE BIDDING MAY BE WAIVED FOR COMPETITIVE PROPOSALS, WHEN — PROCEDURE — CONTRACT TO BE LET TO THE LOWEST AND BEST OFFEROR. — 1. When the commissioner of administration determines that the use of competitive bidding is either not practicable or not advantageous to the state, supplies may be procured by competitive proposals. The commissioner shall state the reasons for such determination, and a report containing those reasons shall be maintained with the vouchers or files pertaining to such purchases. All purchases in excess of **[**~~five~~**] ten** thousand dollars to be made under this section shall be based on competitive proposals.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. On any purchase where the estimated expenditure shall be **[**~~twenty-five~~**] one hundred** thousand dollars or over, the commissioner of administration shall:

(1) Advertise for proposals in at least two daily newspapers of general circulation in such places as are most likely to reach prospective offerors and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before proposals for such purchases are to be opened. Other methods of advertisement, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post notice of the proposed purchase; and

(3) Solicit proposals by mail or other reasonable method generally available to the public from prospective offerors.

All proposals for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening proposals. Proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation.

3. The contract shall be let to the lowest and best offeror as determined by the evaluation criteria established in the request for proposal and any subsequent negotiations conducted pursuant to this subsection. In determining the lowest and best offeror, as provided in the request for proposals and under rules promulgated by the commissioner of administration, negotiations may be conducted with responsible offerors who submit proposals selected by the commissioner of administration on the basis of reasonable criteria for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and subsequent revision of proposals**; however, a request for proposal may set forth the manner for determining which offerors are eligible for negotiation, including, but not limited to, the use of shortlisting**. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting negotiations there shall be no disclosure of any information derived from proposals submitted by competing offerors. The commissioner of administration shall have the right to reject any or all proposals and advertise for new proposals or purchase the required supplies on the open market if they can be so purchased at a better price.

4. The commissioner shall make available, upon request, to any members of the general assembly, information pertaining to competitive proposals, including the names of bidders and the amount of each bidder's offering for each contract.

34.044. ONE SOURCE OF SUPPLIES, WAIVER OF COMPETITIVE BIDS AND PROPOSALS — RESCISSION OF WAIVER, WHEN — SINGLE SOURCE EXISTS, WHEN — ADVERTISING WAIVED, WHEN. — 1. The commissioner of administration may waive the requirement of competitive bids or proposals for supplies when the commissioner has determined in writing that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commissioner shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

(1) Supplies are proprietary and only available from the manufacturer or a single distributor; or

(2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or

(3) Supplies are available at a discount from a single distributor for a limited period of time.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. On any single feasible source purchase where the estimated expenditure shall be **[**~~five~~**] ten** thousand dollars or over, the commissioner of administration shall post notice of the proposed purchase. Where the estimated expenditure is **[**~~twenty-five~~**] one hundred** thousand dollars or over, the commissioner of administration shall also advertise the commissioner's intent to make such purchase in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least five days before the contract is to be let. Other methods of advertisement, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased. The requirement for advertising may be waived, if not feasible, due to the supplies being available at a discount for only a limited period of time.

34.047. INFORMATION TECHNOLOGY PURCHASES, ONLINE BIDDING/VENDOR REGISTRATION SYSTEM TO BE USED FOR NOTICE, WHEN. — Notwithstanding any provision in section 34.040, section 34.100, or any other law to the contrary, departments shall have the authority to purchase products and services related to information technology when the estimated expenditure of such purchase shall not exceed **[**~~seventy-five~~**] one hundred fifty** thousand dollars, the length of any contract or agreement does not exceed twelve months, the department complies with the informal methods of procurement established in section 34.040, and 1 CSR 40-1.050(1) for expenditures of less than **[**~~twenty-five~~**] one hundred** thousand dollars, and the department posts notice of such proposed purchase on the online bidding/vendor registration system maintained by the office of administration. For the purposes of this section, "information technology" shall mean any computer or electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information, including audio, graphic, and text.

37.007. CREDIT CARD, DEBIT CARD, AND OTHER ELECTRONIC PAYMENTS, STATEWIDE SYSTEM FOR ALL STATE AGENCIES AND DEPARTMENTS. — Within six months of August 28, 2012, the commissioner of the office of administration shall develop and implement a statewide system or contract with any third party to allow all state agencies and departments to accept payments made by a credit card, debit card, or other electronic method designated by the commissioner. State agencies and departments shall not incur any additional fees for utilizing such payment methods**, unless authorized by the commissioner of administration upon a finding that the payment of such fees would result in a positive fiscal impact to the state**.

37.960. CAPITAL IMPROVEMENTS AND CONSTRUCTION PROJECTS, REPORT, CONTENTS. — 1. This act shall be known and may be cited as the "Million Dollar Boondoggle Act of 2019".

2. As used in this section, the term "executive agency" shall mean any administrative governmental entity created by the Constitution or statutes of this state under the executive branch, including any department, agency, board, bureau, council, commission, committee, or board of regents or board of curators of any institution of higher learning supported in whole or in part by state funds; any subdivision of an executive agency; and any legally designated agent of such entity.

3. The office of administration shall submit to the general assembly and post on the website of the office of administration a report on each capital improvement, building,

renovation, or construction project or any information technology project of any type that is funded by an executive agency using only funds appropriated by the general assembly:

(1) That is more than one year behind schedule; or

(2) For which the amount spent on the project is at least one million dollars more than the original cost estimate for the project.

4. To prepare the report required under subsection 3 of this section, the office of administration shall send a request for information to executive agencies no later than September first of each year and shall require a response no later than December thirty-first. The office of administration shall submit their report to the general assembly and post it on their website by January thirty-first.

5. Each report submitted and posted under subsection 3 of this section shall, for each project included in the report, provide:

(1) A brief description of the project, including:

(a) The purpose of the project;

(b) Each location in which the project is carried out;

(c) The year in which the project was initiated;

(d) The state's share of the total cost of the project; and

(e) Each primary contractor and grant recipient of the project;

(2) An explanation of any changes to the original scope of the project, including the addition or narrowing of the initial requirements of the project;

(3) The original expected date for completion of the project;

(4) The current expected date for completion of the project;

(5) The original cost estimate for the project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

(6) The current cost estimate for the project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

(7) An explanation for a delay in completion or increase in the original cost estimate for the project; and

(8) The amount of and rationale, including terms and conditions to receive or be denied, for any award, incentive fee, or other type of bonus, if any, awarded for the project.

174.345. LONG-TERM CONCESSION PROJECTS, CONCESSION AGREEMENTS WITH PRIVATE DEVELOPERS PERMITTED. — Nothing shall prohibit an institution under this chapter from entering into a long-term concession with a private developer to construct, operate, maintain, and finance the project in exchange for annual payments subject to abatement for nonperformance. For the purposes of this section, a concession agreement shall be defined as a license or lease between a private partner and an institution of higher education for the development, operation, maintenance, or finance of a project.

536.015. MISSOURI REGISTER PUBLISHED AT LEAST MONTHLY. — There is established a publication to be known as the "Missouri Register", which shall be published in a format and medium as prescribed by the secretary of state **[**~~and in writing upon request~~**]** no less frequently than monthly by the secretary of state.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

536.025. EMERGENCY RULE POWERS — PROCEDURE — DEFINITIONS. — 1. A rule may be made, amended or rescinded by a state agency without following the provisions of section 536.021, only if the state agency:

(1) Finds that an immediate danger to the public health, safety or welfare requires emergency action or the rule is necessary to preserve a compelling governmental interest that requires an early effective date as permitted pursuant to this section;

(2) Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances;

(3) Follows procedures which comply with the protections extended by the Missouri and United States Constitutions; and

(4) Limits the scope of such rule to the circumstances creating an emergency and requiring emergency action.

2. At the time of or prior to the adoption of such rule, the agency shall file with the secretary of state and the joint committee on administrative rules the text of the rule **and the fiscal note required by sections 536.200 and 536.205** together with the specific facts, reasons, and findings which support the agency's conclusion that the agency has fully complied with the requirements of subsection 1 of this section. If an agency finds that a rule is necessary to preserve a compelling governmental interest that requires an early effective date, the agency shall certify in writing the reasons therefor.

3. **[**~~Material filed with the secretary of state and the joint committee on administrative rules under the provisions of subsection 2 of this section shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof~~**] After a filing by an agency of materials under subsection 2 of this section, the secretary of state shall:**

(1) As soon as practicable, publish such materials in the Missouri Register;

(2) Within three business days, email such materials to persons who have registered to be notified of the agency's actions through the secretary of state's administrative rules notification system; and

(3) Within three business days, publish such materials on the official website of the secretary of state.

Any rule adopted pursuant to this section shall be reviewed by the secretary of state to determine compliance with the requirements for its publication and adoption established in this section, and in the event that the secretary of state determines that such proposed material does not meet those requirements, the secretary of state shall not publish the rule. The secretary of state shall inform the agency of its determination, and offer the agency a chance to either withdraw the rule or to have it published as a proposed rule.

4. The committee may file with the secretary of state any comments or recommendations that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.

5. The committee may refer comments or recommendations concerning such rule to the appropriations and budget committee of the house of representatives and the appropriations committee of the senate for further action.

6. Rules adopted under the provisions of this section shall be known as "emergency rules" and shall, along with the findings and conclusions of the state agency in support of its employment of emergency procedures, be judicially reviewable under section 536.050 or other appropriate form of judicial review. The secretary of state and any employee thereof, acting in the scope of

employment, shall be immune from suit in actions regarding the adoption of rules pursuant to this section.

7. A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. Emergency rules shall not be in effect for a period exceeding one hundred eighty calendar days or thirty legislative days, whichever period is longer. For the purposes of this section, a "legislative day" is each Monday, Tuesday, Wednesday and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.

8. A rule adopted under the provisions of this section shall not be renewable, nor shall an agency adopt consecutive emergency rules that have substantially the same effect, although a state agency may, at any time, adopt an identical rule under normal rulemaking procedures.

9. A rule adopted under the provisions of this section may be effective not less than ten **business** days after the filing thereof in the office of the secretary of state, or at such later date as may be specified in the rule, and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable after the filing thereof.

10. If it is found in a contested case by an administrative or judicial fact finder that an agency rule should not have been adopted as an emergency rule as provided by subsection 1 of this section, then the administrative or judicial fact finder shall award the nonstate party who prevails, as defined in this section, its reasonable fees and expenses, as defined in this section. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the party prior to a finding by an administrative or judicial fact finder that the state agency's action was based on a statement of general applicability which should not have been adopted as an emergency rule, but was in fact adopted as an emergency rule pursuant to this section, then the affected party may bring an action in circuit court of Cole County for the nonstate party's reasonable fees and expenses, as defined in this section.

11. For the purposes of this section, the following terms mean:

(1) "Prevails", obtains a favorable order, decision, judgment or dismissal in a civil action or agency proceeding;

(2) "Reasonable fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test or project which is found by the court or agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees.

536.031. CODE TO BE PUBLISHED — TO BE REVISED MONTHLY — INCORPORATION BY REFERENCE AUTHORIZED.—. 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed **[**~~and in writing upon request~~**]** by the secretary of state **[**~~as soon as practicable after ninety days following January 1, 1976, and may be republished~~**]** from time to time **[**~~thereafter~~**]** as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other

action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in **[**~~looseleaf form in one or more volumes upon request and~~**]** a format and medium as prescribed by the secretary of state **[**~~with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request~~**]**.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions, except that:

(1) Hospital licensure regulations promulgated under this chapter and chapter 197 may incorporate by reference Medicare conditions of participation, as defined in section 197.005, and later additions or amendments to such conditions of participation; and

(2) Hospital licensure regulations governing life safety code standards promulgated under this chapter and chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.

5. The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

6. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

536.033. SALE OF REGISTER AND CODE OF STATE REGULATIONS, COST, HOW ESTABLISHED — CORRECTION OF CLERICAL ERRORS AUTHORIZED. — 1. Copies or subscription of the register or code shall be made available to the public by the secretary of state upon request for a reasonable charge to be established by **[**~~him~~**]** **the secretary of state**, **[**~~said charge~~**]** not to exceed the actual cost of publishing and delivery.

2. All **[**~~costs of printing and mailing the Missouri Register and the code of state regulations shall be paid by the office of the secretary of state from funds appropriated for this purpose and all~~**]** fees collected from the sale **[**~~thereof~~**]** **of the Missouri Register or the code of state regulations** by the secretary of state shall be deposited to general revenue.

3. The secretary of state may correct typographical or spelling errors in the publication of any rule, notice of proposed rulemaking, or order of rulemaking.

536.200. FISCAL NOTE FOR PROPOSED RULES AFFECTING PUBLIC FUNDS, REQUIRED WHEN, WHERE FILED, CONTENTS — FAILURE TO FILE, PROCEDURE — PUBLICATION — EFFECT OF FAILURE TO PUBLISH — FIRST YEAR EVALUATION, PUBLICATION — CHALLENGES TO RULE FOR FAILURE TO MEET REQUIREMENT, TIME LIMITATIONS. — 1. Any state agency filing a notice of proposed rulemaking, as required by section 536.021, **or an emergency rule, as required by section 536.025,** wherein the adoption, amendment, or rescission of the rule would require or result in an expenditure of public funds by or a reduction of public revenues for that

agency or any other state agency of the state government or any political subdivision thereof including counties, cities, towns, and villages, and school, road, drainage, sewer, water, levee, or any other special purpose district which is estimated to cost more than five hundred dollars in the aggregate to any such agency or political subdivision, shall at the time of filing the notice with the secretary of state file a fiscal note estimating the cost to each affected agency or to each class of the various political subdivisions to be affected. The fiscal note shall contain a detailed estimated cost of compliance and shall be supported with **[**~~an affidavit~~**] a declaration subject to the requirements of section 575.060** by the director of the department to which the agency belongs that in the director's opinion the estimate is reasonably accurate. If no fiscal note is filed, the director of the department to which the agency belongs shall file **[**~~an affidavit~~**] a declaration subject to the requirements of section 575.060** which states that the proposed change will cost less than five hundred dollars in the aggregate to all such agencies and political subdivisions.

2. **A fiscal note for an emergency rule filed under section 536.025 shall only reflect the fiscal costs for the duration of the emergency rule.**

3. If at the end of the first full fiscal year after the implementation of the rule, amendment, or rescission the cost to all affected entities has exceeded by ten percent or more the estimated cost in the fiscal note or has exceeded five hundred dollars if **[**~~an affidavit~~**] a declaration** has been filed stating the proposed change will cost less than five hundred dollars, the original estimated cost together with the actual cost during the first fiscal year shall be published by the adopting agency in the Missouri Register within ninety days after the close of the fiscal year. Such costs shall be determined by the adopting agency. If the adopting agency fails to publish such costs as required by this section, the rule, amendment, or rescission shall be void and of no further force or effect.

[~~3.~~**] 4.** The estimated cost in the aggregate shall be published in the Missouri Register contemporary with and adjacent to the notice of **[**~~proposed~~**]** rulemaking, and failure to do so shall render any rule promulgated thereunder void and of no force or effect.

[~~4.~~**] 5.** Any challenge to a rule based on failure to meet the requirements of this section shall be commenced within five years after the effective date of the rule.

[~~5.~~**] 6.** In the event that any rule published prior to June 3, 1994, shall have failed to provide a fiscal note as required by this section, such agency shall publish the required fiscal note cross-referenced to the applicable rule prior to August 28, 1995, and in that event the rule shall not be void. Any such rule shall be deemed to have met the requirements of this section until that date.

536.205. FISCAL NOTES FOR PROPOSED RULES AFFECTING PRIVATE PERSONS OR ENTITIES, REQUIRED, WHEN, WHERE FILED, CONTENTS — PUBLICATION — EFFECT OF FAILURE TO PUBLISH — CHALLENGES TO RULE FOR FAILURE TO COMPLY, TIME LIMITATION. — 1. Any state agency filing a notice of proposed rulemaking, as required by section 536.021, **or an emergency rule, as required by section 536.025,** whereby the adoption, amendment, or rescission of the rule would require an expenditure of money by or a reduction in income for any person, firm, corporation, association, partnership, proprietorship or business entity of any kind or character which is estimated to cost more than five hundred dollars in the aggregate, shall at the time of filing the notice with the secretary of state file a fiscal note containing the following information and estimates of cost:

(1) An estimate of the number of persons, firms, corporations, associations, partnerships, proprietorships or business entities of any kind or character by class which would likely be affected by the adoption of the proposed rule, amendment or rescission of a rule;

(2) A classification by types of the business entities in such manner as to give reasonable notice of the number and kind of businesses which would likely be affected;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(3) An estimate in the aggregate as to the cost of compliance with the rule, amendment or rescission of a rule by the affected persons, firms, corporations, associations, partnerships, proprietorships or business entities of any kind or character.

2. **A fiscal note for an emergency rule filed under section 536.025 shall only reflect the fiscal costs for the duration of the emergency rule.**

3. The fiscal note shall be published in the Missouri Register contemporary with and adjacent to the notice of **[**~~proposed~~**]** rulemaking, and failure to do so shall render any rule promulgated thereunder void and of no force and effect.

[~~3.~~**]** **4.** Any challenge to a rule based on failure to meet the requirements of this section shall be commenced no later than five years after the effective date of the rule.

[~~4.~~**]** **5.** In the event that any rule published prior to June 3, 1994, shall have failed to provide a fiscal note as required by this section, such agency shall publish the required fiscal note prior to August 28, 1995, and in that event the rule shall not be void. Any such rule shall be deemed to have met the requirements of this section until that date.

Approved July 10, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SCS SB 1

Enacts provisions relating to expungement of certain criminal records.

AN ACT to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of certain criminal records.

SECTION

A. Enacting clause.

610.140 Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits.

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

SECTION A. ENACTING CLAUSE. — Section 610.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.140, to read as follows:

610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS. — 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

(1) Any class A felony offense;

(2) Any dangerous felony as that term is defined in section 556.061;

(3) Any offense that requires registration as a sex offender;

(4) Any felony offense where death is an element of the offense;

(5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;

(6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, **[**569.100,**]** 569.160, 570.025, **[**570.030,**]** 570.090, **[**570.100,

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

570.130,**]** 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

(7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;

(10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and

(11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) At the time the petition is filed, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and

no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.".

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

Approved July 9, 2019

SS#2 SB 7

Enacts provisions relating to civil procedure.

AN ACT to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof ten new sections relating to civil procedure.

SECTION

A.	Enacting clause.
375.1800	Residency of insurance companies, domestic and foreign.
375.1803	Court actions against insurance company, venue where — inapplicability, when.
375.1806	Uninsured and underinsured motorist coverage, venue, where.
507.040	Permissive joinder of parties — separate trials.
507.050	Misjoinder of parties.
508.010	Venue for nontort and tort suits — principal place of residence, defined.
508.012	Transfer of case based on addition or removal of a plaintiff or defendant prior to commencement of trial.
537.762	Motion to dismiss, defendant whose only liability is as seller in stream of commerce requirements, procedure — order of dismissal to be interlocutory.
1	Venue for actions filed after or pending as of February 13, 2019.
2	Venue for actions filed after or pending as of February 13, 2019.

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

SECTION A. ENACTING CLAUSE. — Sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 375.1800, 375.1803, 375.1806, 507.040, 507.050, 508.010, 508.012, 537.762, 1, and 2, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

375.1800. RESIDENCY OF INSURANCE COMPANIES, DOMESTIC AND FOREIGN. — 1. A domestic insurance company shall be deemed for all purposes, including venue, to reside in, and be a resident of, the county where its registered office is maintained.

2. A foreign insurance company shall be deemed for all purposes, including venue, to reside in, and be a resident of, the county where its registered office is maintained. A foreign insurance company that does not maintain a registered office in any county in Missouri shall be deemed to reside in, and be a resident of, Cole County.

375.1803. COURT ACTIONS AGAINST INSURANCE COMPANY, VENUE WHERE — INAPPLICABILITY, WHEN. — 1. Notwithstanding any provision of law to the contrary, in all actions in which there is any count against an insurer, whether in tort or contract, regarding the rights, benefits, or duties under an insurance contract or any action arising from an insurance contract, including but not limited to claims of breach of contract, bad faith, or breach of fiduciary duty, venue shall be in the county where the insurer resides, or if the insured was a resident of Missouri at the time the insurance contract was issued, the county of the insured's principal place of residence, as defined in section 508.010, at the time the insurance contract was issued. Venue shall be determined by this section even if the insured's rights or claims under the policy have been assigned or otherwise transferred to another party. However, intervention by an insurer in an action pursuant to section 537.065 shall not affect the venue of the action.

2. (1) The provisions of this section shall not apply to any action against an insurer relating to uninsured motorist coverage or underinsured motorist coverage, including any action to enforce such coverage.

(2) Venue for a vexatious refusal to pay claim under section 375.296 or section 375.420 to collect an amount due under uninsured motorist or underinsured motorist coverage shall not be determined in accordance with the provisions of this section, but shall be determined by the provisions of section 375.1806. However, venue for any other vexatious refusal to pay claim to collect an amount due under any other type of policy or coverage shall be determined in accordance with the provisions of this section.

375.1806. UNINSURED AND UNDERINSURED MOTORIST COVERAGE, VENUE, WHERE. — Notwithstanding any provision of law to the contrary, in all actions against an insurer relating to uninsured motorist coverage or underinsured motorist coverage, including any action to enforce such coverage, venue as to that individual plaintiff shall be determined as follows:

(1) If the accident involving the uninsured or underinsured motor vehicle occurred in Missouri, then venue shall be in the county where the accident occurred;

(2) If the accident involving the uninsured or underinsured motor vehicle occurred outside the state of Missouri, then venue shall either be in:

(a) The county where the insurer resides; or

(b) If the insured's principal place of residence was in the state of Missouri on the date the insured was first injured by the accident involving an uninsured or underinsured motor vehicle, the county of the insured's principal place of residence on the date the insured was first injured by such accident.

507.040. PERMISSIVE JOINDER OF PARTIES — SEPARATE TRIALS. — 1. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative

in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action. **Notwithstanding any other provision of law to the contrary, claims arising out of separate purchases of the same product or service, or separate incidents involving the same product or services shall not satisfy this section.** A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

2. **The general assembly hereby expressly adopts the holding of *State ex rel. Johnson & Johnson v. Burlison*, No. SC96704, as issued on February 13, 2019, as it relates to joinder and venue.**

3. The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and may order separate trials or make other orders to prevent delay or prejudice.

507.050. MISJOINDER OF PARTIES. — 1. Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped **[**or**],** added**, or severed** by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately.

2. A motion to drop or add parties may be made at the same time as other motions provided for in section 509.290, and if so made, the provisions of section 509.340 with reference to the consolidation of motions and waiver of objections shall also apply. If said motion is made at any other time, the hearing and determination thereof shall not delay the trial. Objections on account of misjoinder or nonjoinder of parties may also be raised by answer or reply.

508.010. VENUE FOR NONTORT AND TORT SUITS — PRINCIPAL PLACE OF RESIDENCE, DEFINED. — 1. As used in this section, "principal place of residence" shall mean the county which is the main place where an individual resides in the state of Missouri. **[**There shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence.**]** There shall be only one principal place of residence.

(1) For an individual person, there shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence.

(2) Notwithstanding subdivision (1) of this subsection, for an individual whose conduct at issue was alleged in at least one count to be in the course and scope of his or her employment with a corporation, the individual's principal place of residence for venue purposes shall be deemed to be the applicable corporation's principal place of residence.

2. In all actions in which there is no count alleging a tort, venue shall be determined as follows:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state**, provided there is personal jurisdiction over each defendant, independent of each other defendant**.

3. The term "tort" shall include claims based upon improper health care, under the provisions of chapter 538.

4. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue shall be in the county where the plaintiff was first injured by the **[**wrongful**]** acts or **[**negligent**]** conduct alleged in the action.

5. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured outside the state of Missouri, venue **as to that individual plaintiff** shall be determined as follows:

(1) If the defendant is a corporation, then venue shall be in any county where a defendant corporation's registered agent is located or, if the plaintiff 's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff 's principal place of residence on the date the plaintiff was first injured;

(2) If the defendant is an individual, then venue shall be in **[**any**] the** county **[**of**] where** the **[**individual defendant's**] defendant has his or her** principal place of residence in the state of Missouri**, which for venue purposes shall be deemed to be that of his or her employer corporation if any count alleges conduct in the course and scope of his or her employment with that corporation,** or, if the plaintiff 's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue **as to that individual plaintiff** may be in the county containing the plaintiff 's principal place of residence on the date the plaintiff was first injured;

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if the plaintiff was first injured in a foreign country in connection with any railroad operations therein and any defendant is a:

(a) Corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad; or

(b) Wholly owned subsidiary of a corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad;

then venue shall exclusively be in the county where any such defendant corporation's registered agent is located, regardless of venue as to any other defendant or, if the plaintiff 's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff 's principal place of residence on the date the plaintiff was first injured.

6. Any action, in which any county shall be a plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found.

7. In all actions, process shall be issued by the court in which the action is filed and process may be served in any county within the state.

8. In any action for defamation or for invasion of privacy, the plaintiff shall be considered first injured in the county in which the defamation or invasion was first published.

9. In all actions, venue shall be determined as of the date the plaintiff was first injured.

10. All motions to dismiss or to transfer based upon a claim of improper venue shall be deemed granted if not denied within ninety days of filing of the motion unless such time period is waived in writing by all parties.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

11. In a wrongful death action, the plaintiff shall be considered first injured where the decedent was first injured by the wrongful acts or negligent conduct alleged in the action. In any spouse's claim for loss of consortium, the plaintiff claiming consortium shall be considered first injured where the other spouse was first injured by the wrongful acts or negligent conduct alleged in the action.

12. The provisions of this section shall apply irrespective of whether the defendant is a for-profit or a not-for-profit entity.

13. In any civil action, if all parties agree in writing to a change of venue, the court shall transfer venue to the county within the state unanimously chosen by the parties. If any parties are added to the cause of action after the date of said transfer who do not consent to said transfer then the cause of action shall be transferred to such county in which venue is appropriate under this section, based upon the amended pleadings.

14. A plaintiff is considered first injured where the trauma or exposure occurred rather than where symptoms are first manifested.

15. If the county where the plaintiff 's claim is filed is not a proper venue, that plaintiff shall be transferred to a county where proper venue can be established. If no such county exists in the state of Missouri, the claim shall be dismissed without prejudice.

16. Denial of a motion to transfer venue pursuant to sections 507.040, 507.050, or 508.010, if denied in error, requires reversal, and no finding of prejudice under Missouri supreme court rule 84.13(b) is required for reversal.

17. For the purposes of this section, a domestic insurance company shall be deemed to reside in, and be a resident of, the county where its registered office is maintained. A foreign insurance company shall be deemed to reside in, and be a resident of, the county where its registered office is maintained. If a foreign insurance company does not maintain a registered office in any county in Missouri, the foreign insurance company shall be deemed to reside in, and be a resident of, Cole County.

508.012. TRANSFER OF CASE BASED ON ADDITION OR REMOVAL OF A PLAINTIFF OR DEFENDANT PRIOR TO COMMENCEMENT OF TRIAL. — At any time prior to the commencement of a trial, if a plaintiff or defendant, including a third-party plaintiff or defendant, is either added **[**or**]** **to,** removed**, or severed** from a petition filed in any court in the state of Missouri which would have, if originally added **[**or**]** **to,** removed **[**to**], or severed from** the initial petition, altered the determination of venue under section 508.010, then the judge shall upon application of any party transfer the case to a proper forum **[**under section 476.410**]**.

537.762. MOTION TO DISMISS, DEFENDANT WHOSE ONLY LIABILITY IS AS SELLER IN STREAM OF COMMERCE REQUIREMENTS, PROCEDURE — ORDER OF DISMISSAL TO BE INTERLOCUTORY. — 1. A defendant whose liability is based solely on his status as a seller in the stream of commerce may be dismissed from a products liability claim as provided in this section.

2. This section shall apply to any products liability claim in which another defendant, including the manufacturer, is properly before the court and from whom total recovery may be had for plaintiff 's claim.

3. A defendant may move for dismissal under this section within the time for filing an answer or other responsive pleading unless permitted by the court at a later time for good cause shown. The motion shall be accompanied by an affidavit which shall be made under oath and shall state that the defendant is aware of no facts or circumstances upon which a verdict might be reached against him, other than his status as a seller in the stream of commerce.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. The parties shall have sixty days in which to conduct discovery on the issues raised in the motion and affidavit. The court for good cause shown, may extend the time for discovery, and may enter a protective order pursuant to the rules of civil procedure regarding the scope of discovery on other issues.

5. Any party may move for a hearing on a motion to dismiss under this section. If the requirements of subsections 2 and 3 of this section are met, and no party comes forward at such a hearing with evidence of facts which would render the defendant seeking dismissal under this section liable on some basis other than his status as a seller in the stream of commerce, the court shall dismiss without prejudice the claim as to that defendant.

6. **[**No order of dismissal under this section shall operate to divest a court of venue or jurisdiction otherwise proper at the time the action was commenced. A defendant dismissed pursuant to this section shall be considered to remain a party to such action only for such purposes.

7.**]** An order of dismissal under this section shall be interlocutory until final disposition of plaintiff 's claim by settlement or judgment and may be set aside for good cause shown at anytime prior to such disposition.

SECTION 1. VENUE FOR ACTIONS FILED AFTER OR PENDING AS OF FEBRUARY 13, 2019. — The provisions of sections 507.040, 507.050, 508.010, 508.012, and 537.762 shall apply to any action filed after February 13, 2019. A plaintiff who is a resident of Missouri and who has a case that:

(1) Is pending in a court in this state as of February 13, 2019;

(2) Has proper jurisdiction in this state; and

(3) Has or had been set at any time prior to February 13, 2019, for a trial date beginning on or before August 28, 2019,

may continue to trial in the venue as filed.

SECTION 2. VENUE FOR ACTIONS FILED AFTER OR PENDING AS OF FEBRUARY 13, 2019. — For actions pending as of February 13, 2019, a plaintiff whose claim has been found to have no county in Missouri in which venue exists may proceed in such venue in Missouri where such claim was dismissed without prejudice only when the court finds that the claim:

(1) Was filed in the Missouri court within the statute of limitations applicable to the claim;

(2) Has no proper venue in the state of Missouri; and

(3) Cannot be maintained, as of August 28, 2019, in any state where the claim may be brought because of applicable statutes of limitations and lack of a savings statute or similar law.

Approved July 10, 2019

SCS SBs 12 & 123

Enacts provisions relating to charges for the service of court orders.

AN ACT to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to charges for the service of court orders.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION
A. Enacting clause.
57.280 Sheriff to receive charge, civil cases.

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

SECTION A. ENACTING CLAUSE. — Section 57.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 57.280, to read as follows:

57.280. SHERIFF TO RECEIVE CHARGE, CIVIL CASES. — 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff 's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff 's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support

the operation of the sheriff 's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff**, or any other person specially appointed to serve in a county that receives funds under section 57.278,** shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff**, or any other person specially appointed to serve in a county that receives funds under section 57.278,** under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

Approved July 9, 2019

CCS SB 17

Enacts provisions relating to public employee retirement systems, with an emergency clause for a certain section.

AN ACT to repeal sections 70.600, 169.141, 169.560, 169.715, 215.030, and 260.035, RSMo, and to enact in lieu thereof seven new sections relating to public employee retirement systems, with an emergency clause for a certain section.

SECTION

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

SECTION A. ENACTING CLAUSE. — Sections 70.600, 169.141, 169.560, 169.715, 215.030, and 260.035, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 70.600, 70.631, 169.141, 169.560, 169.715, 215.030, and 260.035, to read as follows:

70.600. DEFINITIONS. — The following words and phrases as used in sections 70.600 to 70.755, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the total of all amounts deducted from the compensations of a member and standing to the member's credit in his or her individual account in the members deposit fund, together with investment credits thereon;

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(2) "Actuarial equivalent", a benefit of equal reserve value;

(3) "Allowance", the total of the annuity and the pension. All allowances shall be paid not later than the tenth day of each calendar month;

(4) "Annuity", a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of a person or for a temporary period;

(5) "Beneficiary", any person who is receiving or designated to receive a system benefit, except a retirant;

(6) "Benefit program", a schedule of benefits or benefit formulas from which the amounts of system benefits can be determined;

(7) "Board of trustees" or "board", the board of trustees of the system;

(8) "Compensation", the remuneration paid an employee by a political subdivision or by an elected fee official of the political subdivision for personal services rendered by the employee for the political subdivision or for the elected fee official in the employee's public capacity; provided, that for an elected fee official, "compensation" means that portion of his or her fees which is net after deduction of (a) compensation paid by such elected fee official to his or her office employees, if any, and (b) the ordinary and necessary expenses paid by such elected fee official and attributable to the operation of his or her office. In cases where an employee's compensation is not all paid in money, the political subdivision shall fix the reasonable value of the employee's compensation not paid in money. In determining compensation no consideration shall be given to:

(a) Any nonrecurring single sum payment paid by an employer;

(b) Employer contributions to any employee benefit plan or trust;

(c) Any other unusual or nonrecurring remuneration; or

(d) Compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17). The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For purposes of this paragraph, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(9) "Credited service", the total of a member's prior service and membership service, to the extent such service is standing to the member's credit as provided in sections 70.600 to 70.755;

(10) "Employee", any person regularly employed by a political subdivision who receives compensation from the political subdivision for personal services rendered the political subdivision, including any elected official of the political subdivision whose position requires his or her regular personal services and who is compensated wholly or in part on a fee basis, and including the employees of such elected fee officials who may be compensated by such elected fee officials. The term "employee" may include any elected county official. The term "employee" shall not include any person:

(a) Who is not an elected official of the political subdivision and who is included as an active member in any other plan similar in purpose to this system by reason of his or her employment with his or her political subdivision, except the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended; or

(b) Who acts for the political subdivision under contract; or

(c) Who is paid wholly on a fee basis, except elected officials and their employees; or

(d) Who holds the position of mayor, presiding judge, president or chairman of the political subdivision or is a member of the governing body of the political subdivision; except that, such an official of a political subdivision having ten or more other employees may become a member if the official is covered under the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended, by reason of such official's employment with his or her political

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Matter in bold-face type is proposed language.

subdivision, by filing written application for membership with the board after the date the official qualifies for such position or within thirty days after the date his or her political subdivision becomes an employer, whichever date is later;

(11) "Employer", any political subdivision which has elected to have all its eligible employees covered by the system;

(12) "Final average salary", the monthly average of the compensations paid an employee during the period of sixty or, if an election has been made in accordance with section 70.656, thirty-six consecutive months of credited service producing the highest monthly average, which period is contained within the period of one hundred twenty consecutive months of credited service immediately preceding his or her termination of membership. Should a member have less than sixty or, if an election has been made in accordance with section 70.656, thirty-six months of credited service, "final average salary" means the monthly average of compensation paid the member during his or her total months of credited service;

(13) "Fireman", any regular or permanent employee of the fire department of a political subdivision, including a probationary fireman. The term "fireman" shall not include:

(a) Any volunteer fireman; or

(b) Any civilian employee of a fire department; or

(c) Any person temporarily employed as a fireman for an emergency;

(14) "Member", any employee included in the membership of the system;

(15) "Membership service", employment as an employee with the political subdivision from and after the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(16) "Minimum service retirement age", age sixty for a member who is neither **public safety personnel as defined in section 70.631,** a policeman**,** nor a fireman; "minimum service retirement age", age fifty-five for a member who is **public safety personnel as defined in section 70.631,** a policeman**,** or a fireman;

(17) "Pension", a monthly amount derived from contributions of an employer and payable by the system throughout the life of a person or for a temporary period;

(18) "Policeman", any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term "policeman" shall not include:

(a) Any civilian employee of a police department; or

(b) Any person temporarily employed as a policeman for an emergency;

(19) "Political subdivision", any governmental subdivision of this state created pursuant to the laws of this state, and having the power to tax, except public school districts; a board of utilities or a board of public works which is required by charter or ordinance to establish the compensation of employees of the utility separate from the compensation of other employees of the city may be considered a political subdivision for purposes of sections 70.600 to 70.755; a joint municipal utility commission may be considered a political subdivision for purposes of sections 70.600 to 70.755;

(20) "Prior service", employment as an employee with the political subdivision prior to the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(21) "Regular interest" or "investment credits", such reasonable rate or rates per annum, compounded annually, as the board shall adopt annually;

(22) "Reserve", the present value of all payments to be made on account of any system benefit based upon such tables of experience and regular interest as the board shall adopt from time to time;

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(23) "Retirant", a former member receiving a system allowance by reason of having been a member;

(24) "Retirement system" or "system", the Missouri local government employees' retirement system.

70.631. ADDITION OF PUBLIC SAFETY PERSONNEL MEMBERS TO THE SYSTEM, HOW — REQUIREMENTS AND LIMITATIONS — APPLICABLE ONLY IN CERTAIN COUNTIES. — 1. Each political subdivision may, by majority vote of its governing body, elect to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no emergency telecommunicator, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

4. The provisions of this section shall only apply to counties of the third classification and any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat, and any political subdivisions located, in whole or in part, within such counties.

169.141. SUCCESSOR BENEFICIARY MAY BE NOMINATED BY PERSON RECEIVING REDUCED ALLOWANCE, WHEN, PROCEDURE — ALLOWANCE INCREASE, WHEN. — 1. Any person receiving a retirement allowance under sections 169.010 to 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement

allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

3. Any person receiving a retirement allowance under sections 169.010 to 169.140 who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017**[**;

(2) The**], and the** dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; **[**and**] or**

(2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:

(a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 3 of section 169.070.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution **and separation agreement, if applicable,** that meets the requirements of this section.

169.560. RETIREES MAY BE EMPLOYED, WHEN — SALARY AMOUNT, EFFECT ON BENEFITS, EXCEPTION. — 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted

by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn up to sixty percent of the minimum teacher's salary as set forth in section 163.172, without a discontinuance of the person's retirement allowance. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. **The provisions of this subsection shall not apply to any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141 employed by a public community college.**

169.715. SUCCESSOR BENEFICIARY MAY BE NOMINATED BY PERSON RECEIVING REDUCED ALLOWANCE, WHEN, PROCEDURE — INCREASE PERMITTED, WHEN. — 1. Any person receiving a retirement allowance under sections 169.600 to 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

3. Any person receiving a retirement allowance under sections 169.600 to 169.715 who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017**[**;

(2) The**], and the** dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; **[**and**] or**

(2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:

(a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 4 of section 169.670.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution **and separation agreement, if applicable,** that meets the requirements of this section.

215.030. POWERS OF COMMISSION — RULEMAKING, PROCEDURE. — 1. The commission is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its purpose, including but not limited to the following:

(1) To make, purchase**,** or participate in the purchase of uninsured, partially insured**,** or fully insured loans, including mortgages insured or otherwise guaranteed by the federal government, or mortgages insured or otherwise guaranteed by other insurers of mortgages to approved mortgagors to finance the building, rehabilitation**,** or purchase of residential housing designed and planned to be available for rental or sale to low-income or moderate-income persons or families, as well as to

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

finance the building, rehabilitation**,** or purchase of residential housing in distressed communities as defined in section 135.530 planned to be available for rental or sale to persons or families of any income level, or which will be occupied and owned by low-income or moderate-income persons, persons of any income level in distressed communities**,** or families upon such terms as designated in sections 215.010, 215.030, 215.060, 215.070, 215.090**,** and 215.160; or to purchase or participate in the purchase of any other securities which are secured, directly or indirectly, by any such loan;

(2) Insure any loan, the funds of which are to be used for the purposes of sections 215.010 to 215.250 and the borrower of which agrees to the restrictions placed on such projects by the commission;

(3) To make or participate in the making of uninsured or federally insured construction loans to approve mortgagors of residential housing for occupancy by persons and families of low to moderate income or occupancy by persons and families of any income level in distressed communities as defined in section 135.530. Such loans shall be made only upon determination by the commission that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions. No commitment for a loan, except a "commitment in principle", shall be made unless all plans for development have been completed and submitted to the commission;

(4) To make temporary loans, with or without interest, but with such security for repayment as the commission deems reasonably necessary and practicable, to defray development costs to approved mortgagors of residential housing for occupancy by persons and families of low and moderate income;

(5) Adopt bylaws for the regulation of its affairs and the conduct of its business and define, from time to time, the terms "low-income" and "moderate-income" so as to best carry out the purposes of sections 215.010 to 215.250 for the people intended hereby to be assisted. The definition may vary from one part of the state to another depending on economic factors in each section;

(6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;

(7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;

(8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative**,** and project assistant services. Such fees and charges shall be limited to the amounts required to pay the costs of the commission, including operating and administrative expenses, and reasonable allowances for losses which may be incurred;

(9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or bank certificates of deposit, or, in the case of funds pledged to note or bond issues of the commission, in such investments as the commission may determine; provided that**,** on the date of issuance such note or bond issues are rated by Standard & Poor's Corporation not lower than "AA" in the case of long-term obligations or "SP-1+" in the case of short-term obligations**,** or rated by Moody's Investors Service, Inc., not lower than "Aa" in the case of long-term obligations or Moody's Investment Grade I in the case of short-term obligations, or the equivalent ratings by such rating agencies in the event the ratings described in this section are changed;

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(10) To sue and be sued;

(11) To have a seal and alter the same at will;

(12) To make, and from time to time, amend and repeal bylaws, rules**,** and regulations not inconsistent with the provisions of sections 215.010 to 215.250;

(13) To acquire, hold**,** and dispose of personal property for its purposes;

(14) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association**,** or organization;

(15) To acquire real property, or an interest therein, in its own name, to sell, transfer**,** and convey any such property to a buyer, to lease such property to a tenant to manage and operate such property, to enter into management contracts with respect to such property**,** and to mortgage such property;

(16) To sell, at public or private sale, any mortgage, negotiable instrument or obligation securing a construction, land development, mortgage**,** or temporary loan;

(17) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(18) To consent, whenever it deems it necessary or desirable in the fulfillment of its purpose, to the modification of the rate of interest, time of payment**,** or any installment of principal or interest, or any other terms, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract**,** or agreement of any kind to which the commission is a party;

(19) To make and publish rules and regulations respecting its lending, insurance of loans, federally insured construction lending**,** and temporary lending to defray development costs and any such other rules and regulations as are necessary to effectuate its purpose;

(20) To borrow money to carry out and effectuate its purpose and to issue its negotiable bonds or notes as evidence of any such borrowing in such principal amounts and upon such terms as shall be necessary to provide sufficient funds for achieving its purpose, and to secure such bonds or notes by the pledge of revenues, mortgages**,** or notes of others;

(21) To issue renewal notes, to issue bonds to pay notes, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured;

(22) To apply the proceeds from the sale of renewal notes or refunding bonds to the purchase, redemption, or payment of the notes or bonds to be refunded;

(23) To provide technical services to assist in the planning, processing, design, construction**,** or rehabilitation of residential housing for occupancy by persons and families of low and moderate income, persons and families in distressed communities as defined in section 135.530 of any income level**,** or land development for residential housing for occupancy by persons and families of low and moderate income or persons and families in distressed communities of any income level;

(24) To provide consultative project assistance services for residential housing for occupancy by persons and families of low and moderate income or persons and families of any income level in distressed communities as defined in section 135.530 and for land development for residential housing for occupancy by persons and families of low and moderate income, or for persons and families of any income level in distressed communities and for the residents thereof with respect to management, training and social services;

(25) To promote research and development in scientific methods of constructing low cost residential housing of high durability; and

(26) To make, purchase**,** or participate in the purchase of uninsured, partially insured**,** or fully insured loans and home improvement loans to sponsors to finance the weatherization of single and multifamily dwellings, and shall issue its negotiable bonds or notes for such purpose.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028 if applicable, after January 1, 1999. All rulemaking authority delegated prior to January 1, 1999, is of no force and effect and repealed as of January 1, 1999, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to January 1, 1999. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to January 1, 1999.

3. All employees of the commission shall be eligible for membership in the Missouri state employees' retirement system, subject to all provisions in chapters 104 and 105 applicable to the system.

260.035. POWERS OF AUTHORITY. — 1. The authority is hereby granted and may exercise all powers necessary or appropriate to carry out and effectuate its purposes pursuant to the provisions of sections 260.005 to 260.125, including, but not limited to, the following:

(1) To adopt bylaws and rules after having held public hearings thereon for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal;

(3) To maintain a principal office and such other offices within the state as it may designate;

(4) To sue and be sued;

(5) To make and execute leases, contracts, releases, compromises**,** and other instruments necessary or convenient for the exercise of its powers or to carry out its purposes;

(6) To acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease, finance**,** and sell equipment, structures, systems**,** and projects and to lease the same to any private person, firm, or corporation, or to any public body, political subdivision**,** or municipal corporation. Any such lease may provide for the construction of the project by the lessee;

(7) To issue bonds and notes as hereinafter provided and to make, purchase, or participate in the purchase of loans or municipal obligations and to guarantee loans to finance the acquisition, construction, reconstruction, enlargement, improvement, furnishing, equipping, maintaining, repairing, operating**,** or leasing of a project;

(8) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the foregoing limitations on investments shall not apply to proceeds acquired from the sale of bonds or notes which are held by a corporate trustee pursuant to section 260.060;

(9) To acquire by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder;

(10) To employ managers and other employees and retain or contract with architects, engineers, accountants, financial consultants, attorneys**,** and such other persons, firms**,** or

corporations who are necessary in its judgment to carry out its duties, and to fix the compensation thereof;

(11) To receive and accept appropriations, bequests, gifts**,** and grants and to utilize or dispose of the same to carry out its purposes pursuant to the provisions of sections 260.005 to 260.125;

(12) To engage in research and development with respect to pollution control facilities and solid waste or sewage disposal facilities, **[**and**]** water facilities, resource recovery facilities**,** and the development of energy resources;

(13) To collect rentals, fees**,** and other charges in connection with its services or for the use of any project hereunder;

(14) To sell at private sale any of its property or projects to any private person, firm**,** or corporation, or to any public body, political subdivision**,** or municipal corporation**,** on such terms as it deems advisable, including the right to receive for such sale the note or notes of any such person to whom the sale is made. Any such sale shall provide for payments adequate to pay the principal of and interest and premiums, if any, on the bonds or notes issued to finance such project or portion thereof. Any such sale may provide for the construction of the project by the purchaser of the project;

(15) To make, purchase**,** or participate in the purchase of loans to finance the development and marketing of:

(a) Means of energy production utilizing energy sources other than fossil or nuclear fuel, including, but not limited to, wind, water, solar, biomass, solid waste, and other renewable energy resource technologies;

(b) Fossil fuels and recycled fossil fuels which are indigenous energy resources produced in the state of Missouri, including coal, heavy oil, and tar sands; and

(c) Synthetic fuels produced in the state of Missouri;

(16) To insure any loan, the funds of which are to be used for the development and marketing of energy resources as authorized by sections 260.005 to 260.125;

(17) To make temporary loans, with or without interest, but with such security for repayment as the authority deems reasonably necessary and practicable, to defray development costs of energy resource development projects;

(18) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds and obligations, commitments, and other evidences of indebtedness made, issued or entered into to develop energy resources, and in connection with providing technical, consultative**,** and project assistance services in the area of energy development. Such fees and charges shall be limited to the amounts required to pay the costs of the authority, including operating and administrative expenses, and reasonable allowance for losses which may be incurred;

(19) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association, or organization to carry out the provisions of sections 260.005 to 260.125;

(20) To sell, at public or private sale, any mortgage and any real or personal property subject to that mortgage, negotiable instrument, or obligation securing any loan;

(21) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(22) To consent to the modification of the rate of interest, time of payment for any installment of principal or interest, or any other terms, of any loan, loan commitment, temporary loan, contract, or agreement made directly by the authority;

(23) To make and publish rules and regulations concerning its lending, insurance of loans, and temporary lending to defray development costs, along with such other rules and regulations as are

necessary to effectuate its purposes. No rule or portion of a rule promulgated under the authority of sections 260.005 to 260.125 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024;

(24) To borrow money to carry out and effectuate its purpose in the area of energy resource development and to issue its negotiable bonds or notes as evidence of any such borrowing in such principal amounts and upon such terms as shall be determined by the authority, and to secure such bonds or notes by the pledge of revenues, mortgages, or notes of others as authorized by sections 260.005 to 260.125.

2. The authority shall develop a hazardous waste facility if the study required in section 260.037 demonstrates that a facility is economically feasible. The facility, which shall not include a hazardous waste landfill, may be operated by any eligible party as specified in this section. The authority shall begin development of the facility by July 1, 1985.

3. All employees of the authority shall be eligible for membership in the Missouri state employees' retirement system, subject to all provisions in chapters 104 and 105 applicable to the system.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of retired members of the Public School Retirement System in providing course instruction at public community colleges, the repeal and reenactment of section 169.560 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 169.560 of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2019

SB 21

Enacts provisions relating to local sales taxes, with an emergency clause for a certain section.

AN ACT to repeal sections 94.510, 94.900, and 94.902, RSMo, and to enact in lieu thereof three new sections relating to local sales taxes, with an emergency clause for a certain section.

SECTION

A.	Enacting clause.
94.510	Imposition of tax, election — rate — collection — abolishment of tax, effect of.
94.900	Sales tax authorized (Blue Springs, Centralia, Excelsior Springs, Fayette, Harrisonville, Lebanon, Portageville, Riverside, St. Joseph, and certain other fourth class cities) — proceeds to be used for public safety purposes — ballot language — collection of tax, procedure.
94.902	Sales tax authorized for certain cities (Gladstone, Grandview, Liberty, North Kansas City, Raytown, and certain other fourth class cities) — ballot, effective date — administration and collection — refunds, use of funds upon establishment of tax — repeal — automatic expiration date, when.
B.	Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 94.510, 94.900, and 94.902, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 94.510, 94.900, and 94.902, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

94.510. IMPOSITION OF TAX, ELECTION — RATE — COLLECTION — ABOLISHMENT OF TAX, EFFECT OF. — 1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550. The ballot of submission shall be in substantially the following form:

Shall the city of _____ (insert name of city) impose a city sales tax of _____ (insert rate of percent) percent?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate **[**of one-half of one percent, seven-eighths of one percent or**]** **not to exceed** one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525; except that, each city not within a county may impose such tax at a rate not to exceed one and three-eighths percent. Beginning August 28, 2017, no city shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of two percent.

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

4. If any city abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

94.900. SALES TAX AUTHORIZED (BLUE SPRINGS, CENTRALIA, EXCELSIOR SPRINGS, FAYETTE, HARRISONVILLE, LEBANON, PORTAGEVILLE, RIVERSIDE, ST. JOSEPH, AND CERTAIN OTHER FOURTH CLASS CITIES) — PROCEEDS TO BE USED FOR PUBLIC SAFETY PURPOSES — BALLOT LANGUAGE — COLLECTION OF TAX, PROCEDURE. — 1. (1) The governing body of the following cities may impose a tax as provided in this section:

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;

(b) Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;

(c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(f) Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants;

(g) Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants;

(h) Any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; **[**or**]**

(i) Any city of the third classification with more than thirteen thousand but fewer than fifteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants**; or**

(j) Any city of the fourth classification with more than three thousand but fewer than three thousand three hundred inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and that is not the county seat of such county.

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of _____ (city's name) impose a citywide sales tax of _____ (insert amount) for the purpose of improving the public safety of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax,

the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

94.902. SALES TAX AUTHORIZED FOR CERTAIN CITIES (GLADSTONE, GRANDVIEW, LIBERTY, NORTH KANSAS CITY, RAYTOWN, AND CERTAIN OTHER FOURTH CLASS CITIES) — BALLOT, EFFECTIVE DATE — ADMINISTRATION AND COLLECTION — REFUNDS, USE OF FUNDS UPON ESTABLISHMENT OF TAX — REPEAL — AUTOMATIC EXPIRATION DATE, WHEN. — 1. The governing bodies of the following cities may impose a tax as provided in this section:

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants;

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants;

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants;

(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants;

(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

(6) Any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants; **[**or**]**

(7) Any city of the fourth classification with more than five hundred eighty but fewer than six hundred fifty inhabitants**;**

(8) Any city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants; or

(9) Any city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants and located in any county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not

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become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of _____ (city's name) impose a citywide sales tax at a rate of _____ (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and

overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall _____ (insert the name of the city) repeal the sales tax imposed at a rate of _____ (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES ☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of providing funding for public safety, the repeal and reenactment of section 94.900 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to

be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 94.900 of this act shall be in full force and effect upon its passage and approval.

Approved May 24, 2019

SS#3 SCS SB 29

Enacts provisions relating to reimbursement allowance taxes.

AN ACT to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

SECTION

A.	Enacting clause.
190.839	Expiration date.
198.439	Expiration date.
208.437	Reimbursement allowance period — notification of balance due, when — delinquent payments, procedure, basis for denial of licensure — expiration date.
208.480	Federal reimbursement allowance expiration date.
338.550	Expiration date of tax, when.
633.401	Definitions — assessment imposed, formula — rates of payment — fund created, use of moneys — record-keeping requirements — report — appeal process — rulemaking authority — expiration date.

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

SECTION A. ENACTING CLAUSE. — Sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, to read as follows:

190.839. EXPIRATION DATE. — Sections 190.800 to 190.839 shall expire on September 30, **[**2019**]** **2020**.

198.439. EXPIRATION DATE. — Sections 198.401 to 198.436 shall expire on September 30, **[**2019**]** **2020**.

208.437. REIMBURSEMENT ALLOWANCE PERIOD — NOTIFICATION OF BALANCE DUE, WHEN — DELINQUENT PAYMENTS, PROCEDURE, BASIS FOR DENIAL OF LICENSURE — EXPIRATION DATE. — 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of insurance, financial institutions and professional registration. The director of the department of insurance, financial institutions and professional registration may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, **[**2019**]** **2020**.

208.480. FEDERAL REIMBURSEMENT ALLOWANCE EXPIRATION DATE. — Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, **[**2019**]** **2020**.

338.550. EXPIRATION DATE OF TAX, WHEN. — 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, **[**2019**]** **2020**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, **[**2019**]** **2020**.

633.401. DEFINITIONS — ASSESSMENT IMPOSED, FORMULA — RATES OF PAYMENT — FUND CREATED, USE OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT — APPEAL PROCESS — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the intellectually disabled", a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include

habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) "Net operating revenues from providing services of intermediate care facilities for the intellectually disabled" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the intellectually disabled" has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled

shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, **[**2019**]** **2020**.

Approved July 11, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SS SCS SB 30

Enacts provisions relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision and a delayed effective date.

AN ACT to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision and a delayed effective date.

SECTION

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

SECTION A. ENACTING CLAUSE. — Section 307.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.178, to read as follows:

307.178. SEAT BELTS REQUIRED FOR PASSENGER CARS — PASSENGER CARS DEFINED — EXCEPTIONS — FAILURE TO COMPLY, EFFECT ON EVIDENCE AND DAMAGES — PENALTY — PASSENGERS IN CAR EXCEEDING NUMBER OF SEAT BELTS NOT VIOLATION FOR FAILURE TO USE. — 1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section and section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179.

3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff 's failure to wear a safety belt in violation of this section contributed to the plaintiff 's claimed injuries, and may reduce the amount of the plaintiff 's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. **Notwithstanding any other provision of law to the contrary, subsection 4 of this section shall not apply to any action arising out of the design, construction, manufacture, distribution, or sale of a motor vehicle, as defined in section 301.010, factory equipped with a safety belt. In such actions arising out of the design, construction, manufacture, distribution, or sale of a motor vehicle, a plaintiff 's failure to wear a properly adjusted and fastened safety belt shall be admissible as evidence of comparative negligence or fault, causation, absence of a defect or hazard, and failure to mitigate damages.**

6. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, for a violation of this section.

[6.**]** **7.** The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

[7.**]** **8.** If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section 302.178.

SECTION B. EFFECTIVE DATE. — Section A of this act shall become effective on January 1, 2020.

Approved July 10, 2019

CCS HCS SB 36

Enacts provisions relating to real estate.

AN ACT to repeal section 339.190, RSMo, and to enact in lieu thereof two new sections relating to real estate.

SECTION

A. Enacting clause.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

339.190 Real estate licensee, immunity from liability, when.
442.135 Descriptions of subdivided property, contents.

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

SECTION A. ENACTING CLAUSE. — Section 339.190, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 339.190 and 442.135, to read as follows:

339.190. REAL ESTATE LICENSEE, IMMUNITY FROM LIABILITY, WHEN. — 1. A real estate licensee shall be immune from liability for statements made by engineers, land surveyors, geologists, environmental hazard experts, wood-destroying inspection and control experts, termite inspectors, mortgage brokers, home inspectors, or other home inspection experts unless:

(1) The statement was made by a person employed by the licensee or the broker with whom the licensee is associated;

(2) The person making the statement was selected by and engaged by the licensee. For purposes of this section, the ordering of a report or inspection alone shall not constitute selecting or engaging a person; or

(3) The licensee knew prior to closing that the statement was false or the licensee acted in reckless disregard as to whether the statement was true or false.

2. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for any information contained in a seller's disclosure for residential, commercial, industrial, farm, or vacant real estate furnished to a buyer, unless the real estate licensee is a signatory to such or the licensee knew prior to closing that the statement was false or the licensee acted in reckless disregard as to whether the statement was true or false.

3. A real estate licensee acting as a courier of documents referenced in this section shall not be considered to be making the statements contained in such documents.

4. A real estate licensee shall not be the subject of any action and no action shall be instituted against a real estate licensee for the accuracy of any information about the size or area, in square footage or otherwise, of a property or of improvements on the property if the real estate licensee obtains the information from a third party and the licensee discloses the source of the information prior to an offer to purchase being transmitted to the seller, unless the real estate licensee knew the information was false at the time the real estate licensee transmitted or published the information or the licensee acted with reckless disregard as to whether such information was true or false.

442.135. DESCRIPTIONS OF SUBDIVIDED PROPERTY, CONTENTS. — 1. If a property is subdivided and a new property description is created, such property description shall include the name, and professional license number, if applicable, of the person that created the property description.

2. No person shall submit for recording a conveyance of any property under subsection 1 of this section unless the property description of such property contains the information required in subsection 1 of this section.

Approved July 11, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

CCS HCS SB 54

Enacts provisions relating to insurance companies.

AN ACT to repeal sections 374.191, 382.010, and 382.230, RSMo, and to enact in lieu thereof four new sections relating to insurance companies.

SECTION

A.	Enacting clause.
374.191	Interest rate on certain claims, refunds, penalties, or payments under legal or remedial actions — inapplicable, when.
382.010	Definitions.
382.227	Internationally active insurance group, director to act as supervisor or acknowledge another regulatory authority as supervisor, when — duties, activities — rulemaking authority.
382.230	Certain information confidential, exception — private civil action, director not required to testify — permissible acts of the director.

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

SECTION A. ENACTING CLAUSE. — Sections 374.191, 382.010, and 382.230, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 374.191, 382.010, 382.227, and 382.230, to read as follows:

374.191. INTEREST RATE ON CERTAIN CLAIMS, REFUNDS, PENALTIES, OR PAYMENTS UNDER LEGAL OR REMEDIAL ACTIONS — INAPPLICABLE, WHEN. — 1. If an insurance company is required to pay interest on any claims, refunds, penalties, or payments under a market conduct examination, investigation, stipulation of settlement agreement, voluntary forfeiture agreement, or any other legal or remedial action ordered by the department under any law of this state in which the interest rate is not provided for by law, **or voluntarily pays interest on any claims, refunds, penalties, or payments in which the interest rate is not provided for by law,** such claims, refunds, penalties, or payments shall bear interest at the annual adjusted prime rate of interest as determined by section 32.065, but under no circumstance shall such interest rate exceed nine percent per annum.

2. The provisions of this section shall not apply to payments subject to the provisions of section 376.383 nor any other statute in which the interest rate is specified.

382.010. DEFINITIONS. — As used in sections 382.010 to 382.300, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

(1) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) "Control", "controlling", "controlled by", or "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by section 382.170 that control does

not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(3) "Director", the director of the department of insurance, financial institutions and professional registration, his or her deputies, or the department of insurance, financial institutions and professional registration, as appropriate;

(4) "Enterprise risk", any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in section 375.1255 or would cause the insurer to be in hazardous financial condition as set forth in section 375.539;

(5) **"Group-wide supervisor", the regulatory official authorized to engage in conducting and coordinating group-wide supervisory activities who is determined or acknowledged by the director, under section 382.227, to have sufficient significant contacts with the internationally active insurance group;**

(6) "Insurance holding company system", two or more affiliated persons, one or more of which is an insurer;

[(6)**] (7)** "Insurer", an insurance company as defined in section 375.012, including a reciprocal or interinsurance exchange, and which is qualified and licensed by the department of insurance, financial institutions and professional registration of Missouri to transact the business of insurance in this state; but it shall not include any company organized and doing business under chapter 377, 378, or 380, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

(8) "Internationally active insurance group", an insurance holding company system that includes an insurer registered under sections 382.100 to 382.180, and meets the following criteria:

(a) Premiums written in at least three countries;

(b) The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system's total gross written premiums; and

(c) Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars, or the total gross written premiums of the insurance holding company system are at least ten billion dollars;

[(7)**] (9)** "Person", an individual, corporation, limited liability company, partnership, association, joint stock company, trust, unincorporated organization, or any similar entity, or any combination of the foregoing acting in concert, but shall not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property;

[(8)**] (10)** A "securityholder" of a specified person is one who owns any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

[(9)**] (11)** A "subsidiary" of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries;

[(10)**] (12)** The term "voting security" includes any security convertible into or evidencing a right to acquire a voting security.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

382.227. INTERNATIONALLY ACTIVE INSURANCE GROUP, DIRECTOR TO ACT AS SUPERVISOR OR ACKNOWLEDGE ANOTHER REGULATORY AUTHORITY AS SUPERVISOR, WHEN — DUTIES, ACTIVITIES — RULEMAKING AUTHORITY. — 1. The director is authorized to act as the group-wide supervisor for any internationally active insurance group in accordance with the provisions of this section. However, the director may otherwise acknowledge another regulatory official as the group-wide supervisor if the internationally active insurance group:

(1) Does not have substantial insurance operations in the United States;

(2) Has substantial insurance operations in the United States but not in this state; or

(3) Has substantial insurance operations in the United States and in this state but the director has determined, pursuant to the factors set forth in subsections 3 and 9 of this section, that another regulatory official is the appropriate group-wide supervisor.

2. An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the director make a determination or acknowledgment as to a group-wide supervisor pursuant to this section.

3. In cooperation with other state, federal, and international regulatory agencies, the director shall identify a single group-wide supervisor for an internationally active insurance group. The director may determine that the director is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in this state. However, the director may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group. The director shall consider the following factors when making a determination or acknowledgment under this subsection:

(1) The domicile of the insurers within the internationally active insurance group that hold the largest share of the internationally active insurance group's written premiums, assets, or liabilities;

(2) The domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group;

(3) The location of the executive offices or largest operational offices of the internationally active insurance group;

(4) Whether another regulatory official is acting as or is seeking to act as the group-wide supervisor under a regulatory system that the director determines to be:

(a) Substantially similar to the system of regulation provided under the laws of this state; or

(b) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials; and

(5) Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the director with reasonably reciprocal recognition and cooperation.

4. A director identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another regulatory official to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor shall be made after consideration of the factors listed in subdivisions (1) to (5) of subsection 3 of this section, and shall be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.

5. Notwithstanding any other provision of the law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the

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director shall acknowledge that regulatory official as the group-wide supervisor, subject to subsection 6 of this section. In the event of a material change in the internationally active insurance group that results in either the internationally active insurance group's insurers domiciled in this state holding the largest share of the internationally active insurance group's premiums, assets, or liabilities, or this state being the domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group, the director shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group under subsections 3 and 4 of this section.

6. In the event of a dispute as to the proper regulatory official to act as group-wide supervisor, a determination by the director not to acknowledge the current group-wide supervisor shall be made only after notice and a public hearing, and such determination shall be accompanied by specific findings of fact and conclusions of law including, but not limited to, application of the factors listed in subdivisions (1) to (5) of subsection 3 of this section.

7. Under section 382.220, the director is authorized to collect from any insurer registered under sections 382.100 to 382.180 all information necessary to determine whether the director may act as the group-wide supervisor of an internationally active insurance group or if the director may acknowledge another regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an internationally active insurance group is subject to group-wide supervision by the director, the director shall notify the insurer registered under sections 382.100 to 382.180 and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have not less than thirty days to provide the director with additional information pertinent to the pending determination. The director shall publish on the department's website the identity of internationally active insurance groups that the director has determined are subject to group-wide supervision by the director.

8. If the director is the group-wide supervisor for an internationally active insurance group, the director is authorized to engage in any of the following group-wide supervisory activities:

(1) Assess the enterprise risks within the internationally active insurance group to ensure that:

(a) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(b) Reasonable and effective mitigation measures are in place;

(2) Request, from any member of an internationally active insurance group subject to the director's supervision, information necessary and appropriate to assess enterprise risk including, but not limited to, information about the members of the internationally active insurance group regarding:

(a) Governance, risk assessment, and management;

(b) Capital adequacy; and

(c) Material intercompany transactions;

(3) Coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise

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risks to members of such internationally active insurance group that are engaged in the business of insurance;

(4) Communicate with other state, federal, and international regulatory agencies for members within the internationally active insurance group and share relevant information, subject to the confidentiality provisions of section 382.230, through supervisory colleges as set forth in section 382.225 or otherwise;

(5) Enter into agreements with or obtain documentation from any insurer registered under sections 382.100 to 382.180, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active insurance group, providing the basis for or otherwise clarifying the director's role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state; and

(6) Other group-wide supervision activities, consistent with the authorities and purposes enumerated in this subsection, as considered necessary by the director.

9. If the director acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is the group-wide supervisor, the director is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision undertaken by the group-wide supervisor, provided that:

(1) The director's cooperation is in compliance with the laws of this state; and

(2) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the director's activities as a group-wide supervisor for other internationally active insurance groups where applicable. Where such recognition and cooperation are not reasonably reciprocal, the director is authorized to refuse recognition and cooperation.

10. The director is authorized to enter into agreements with, or obtain documentation from, any insurer registered under sections 382.100 to 382.180, any affiliate of the insurer, and other state, federal, and international regulatory agencies, regarding members of the internationally active insurance group, which provides the basis for or otherwise clarifies a regulatory official's role as group-wide supervisor.

11. The director may promulgate regulations necessary for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

12. An insurer registered under sections 382.100 to 382.180 and subject to this section shall be liable for and shall pay the reasonable expenses of the director's participation in the administration of this section, including the engagements of attorneys, actuaries, and any other professionals and all reasonable travel expenses.

382.230. CERTAIN INFORMATION CONFIDENTIAL, EXCEPTION — PRIVATE CIVIL ACTION, DIRECTOR NOT REQUIRED TO TESTIFY — PERMISSIBLE ACTS OF THE DIRECTOR. — 1. All information, documents and copies thereof in the possession or control of the director that are obtained by or disclosed to the director or any other person in the course of an examination or investigation made under section 382.220 and all information reported **or provided to the director** under subdivisions (13) and (14) of subsection 1 of section 382.050 **[**and**],** sections 382.100 to 382.210**, and section 382.227** shall be given confidential treatment and privileges; shall not be subject to the provisions of chapter 610; shall not be subject to subpoena; shall not be made public by the director, the National Association of Insurance Commissioners, or any other person, except to the chief insurance regulatory official of other states; and shall not be subject to discovery or admissible as evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the director, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event the director may publish all or any part thereof in such manner as he or she may deem appropriate.

2. Neither the director nor any person who receives documents, materials, or other information while acting under the authority of the director or with whom such documents, materials, or other information is shared under sections 382.010 to 382.300 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's duties, the director:

(1) May share documents, materials, or other information including the confidential and privileged documents, materials, or other information subject to subsection 1 of this section with other state, federal, and international financial regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities including members of any supervisory college described in section 382.225; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of such documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) Notwithstanding the provisions of subsection 1 of this section and subdivision (1) of this subsection, may share confidential and privileged documents, materials, or other information reported under section 382.175 only with the directors of states having statutes or regulations substantially similar to subsection 1 of this section and who have agreed in writing not to disclose such information;

(3) May receive documents, materials, or other information including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information; and

(4) Shall enter into a written agreement with the National Association of Insurance Commissioners governing sharing and use of information provided under sections 382.010 to 382.300 consistent with this subsection that shall:

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(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, and international regulators;

(b) Specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 remains with the director and that the National Association of Insurance Commissioners' use of such information is subject to the direction of the director;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners under sections 382.010 to 382.300 is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(d) Require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300.

4. The sharing of information by the director under sections 382.010 to 382.300 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.010 to 382.300.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure of such documents, materials, or other information to the director under this section or as a result of sharing as authorized in sections 382.010 to 382.300.

6. Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners under sections 382.010 to 382.300 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

Approved July 10, 2019

HCS SB 68

Enacts provisions relating to workforce development.

AN ACT to repeal sections 135.100, 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, and to enact in lieu thereof twelve new sections relating to workforce development.

SECTION

A.	Enacting clause.
135.100	Definitions.
173.2553	Grant established for postsecondary education — definitions — eligibility — implementation of program — criteria — sunset provision.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

173.2554	Grant converted to loan, when — waiver, when — deferments or forbearances, when — fund created, use of moneys — rulemaking authority.
620.511	Board established, purpose, meetings, members, terms, compensation for expenses.
620.800	Definitions.
620.803	Training program established, purpose, funding — oversight committee created, members, report — rulemaking authority — bankruptcy, notification required.
620.806	Missouri Works job development fund established, use of moneys.
620.809	Community college funds created, use of moneys — forms — establishment of projects, procedure, requirements — funding options — issuance of certificates — sunset provision.
620.2005	Definitions.
620.2010	Retention of withholding tax for new jobs, when — tax credits authorized, requirements — alternate incentives.
620.2020	Participation procedures, department duties, qualified company duties — maximum tax credits allowed, allocation — prohibited acts — report, contents — rulemaking authority — sunset date.
620.2475	Aerospace industry job creation.

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

SECTION A. ENACTING CLAUSE. — Sections 135.100, 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 135.100, 173.2553, 173.2554, 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, to read as follows:

135.100. DEFINITIONS. — As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first **[**taxable**]** **tax** year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "NAICS", the North American Industrial Classification System as such classifications are defined in the 2007 edition of the North American Industrial Classification System;

(5) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (11) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(6) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the **[**taxable**]** **tax** year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(7) "New business facility income", the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, or in the case of an insurance company, computed in accordance with chapter 148, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32. For the purpose of this subdivision, "other activities conducted within this state" shall include

activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(8) "New business facility investment", the value of **[**real and depreciable tangible personal**]** property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the **[**taxable**] tax** year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft**,** and other rolling stock for hire, track, switches, barges, bridges, tunnels**,** and rail yards and spurs shall not constitute new business facility investments. **For the purposes of sections 135.100 to 135.150, property may be acquired by the taxpayer by purchase, lease, or license, including the right to use software and hardware via on-demand network access to a shared pool of configurable computing resources as long as the rights are used at the new business facility.** The total value of such property during such **[**taxable**] tax** year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate **or license**, if leased **or licensed** by the taxpayer. The net annual rental **or license** rate shall be the annual rental **or license** rate paid by the taxpayer less any annual rental **or license** rate received by the taxpayer from subrentals **or sublicenses**. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the **[**taxable**] tax** year. If the new business facility is in operation for less than an entire **[**taxable**] tax** year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such **[**taxable**] tax** year during which the new business facility was in operation by the number of full calendar months during such period;

(9) "Office", a regional, national**,** or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system**,** or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (6) of this section;

(10) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust**,** or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust**,** or association in control of the taxpayer; or

(c) A corporation, partnership, trust**,** or association controlled by an individual, corporation, partnership, trust**,** or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(11) "Replacement business facility", a facility otherwise described in subdivision (3) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer

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or a related taxpayer previously operated but discontinued operating on or before the close of the first **[**taxable**]** **tax** year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's **[**taxable**]** **tax** period immediately preceding the **[**taxable**]** **tax** year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility.

Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225**,** and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (9) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

(12) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as NAICS 31-33;

(b) Agricultural activities classified as NAICS 11;

(c) Rail transportation terminal activities classified as NAICS 482;

(d) Motor freight transportation terminal activities classified as NAICS 484 and NAICS 4884;

(e) Public warehousing and storage activities classified as NAICS 493, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as NAICS 4832;

(g) Airports, flying fields, and airport terminal services classified as NAICS 481;

(h) Wholesale trade activities classified as NAICS 42;

(i) Insurance carriers activities classified as NAICS 524;

(j) Research and development activities classified as NAICS 5417;

(k) Farm implement dealer activities classified as NAICS 42382;

(l) Interexchange telecommunications services as defined in subdivision (20) of section 386.020 or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020;

(m) Recycling activities classified as NAICS 42393;

(n) Office activities as defined in subdivision (9) of this section, notwithstanding NAICS classification;

(o) Mining activities classified as NAICS 21;

(p) Computer programming, data processing**,** and other computer-related activities classified as NAICS 5415;

(q) The administrative management of any of the foregoing activities; or

(r) Any combination of any of the foregoing activities;

(13) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar

in character and use or are produced, sold, performed**,** or conducted in the same or similar manner as in another revenue-producing enterprise;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, and partnership or an insurance company subject to the tax imposed by chapter 148, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed **[**pursuant to**]** **under** section 375.916.

173.2553. GRANT ESTABLISHED FOR POSTSECONDARY EDUCATION — DEFINITIONS — ELIGIBILITY — IMPLEMENTATION OF PROGRAM — CRITERIA — SUNSET PROVISION. — 1. There is hereby established a "Fast Track Workforce Incentive Grant", and any moneys appropriated by the general assembly for this program shall be used to provide grants for Missouri citizens to attend an approved Missouri postsecondary institution of their choice in accordance with the provisions of this section.

2. The definitions of terms set forth in section 173.1102 shall be applicable to such terms as used in this section and section 173.2554. In addition, the following terms shall mean:

(1) "Board", the coordinating board for higher education;

(2) "Eligible student", an individual who:

(a) Has completed and submitted a FAFSA for the academic year for which the grant is requested;

(b) Is a citizen or permanent resident of the United States;

(c) Is a Missouri resident as determined by reference to standards promulgated by the coordinating board;

(d) Is enrolled, or plans to enroll, at least half-time as a student in an eligible undergraduate program of study offered by an approved public, private, or virtual institution, as defined in section 173.1102;

(e) Has an adjusted gross income, as reported on the FAFSA, that does not exceed eighty thousand dollars for married filing joint taxpayers or forty thousand dollars for all other taxpayers; and

(f) Is twenty-five years of age or older at the time of enrollment or has not been enrolled in an educational program for the prior two academic years;

(3) "Eligible program of study", a program of instruction:

(a) Resulting in the award of a certificate, undergraduate degree, or other industry-recognized credential; and

(b) That has been designated by the coordinating board as preparing students to enter an area of occupational shortage as determined by the board;

(4) "FAFSA", the Free Application for Federal Student Aid, as maintained by the United States Department of Education;

(5) "Fast track grant", an amount of moneys paid by the state of Missouri to a student under the provisions of this section;

(6) "Graduation", completion of a program of study as indicated by the award of a certificate, undergraduate degree, or other industry-recognized credential;

(7) "Qualifying employment", full-time employment of a Missouri resident at a workplace located within the state of Missouri, or self-employment while a Missouri resident, with at least fifty percent of an individual's annual income coming from self-employment, either of which result in required returns of income in accordance with section 143.481;

(8) "Recipient", an eligible student or renewal student who receives a fast track grant under the provisions of this section;

(9) "Renewal student", an eligible student who remains in compliance with the provisions of this section, has received a grant as an initial recipient, maintains a cumulative grade-point average of at least two and one-half on a four-point scale or the equivalent, makes satisfactory academic degree progress as defined by the institution, with the exception of grade-point average, and has not received a bachelor's degree.

3. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance; except that, for renewal, an applicant shall demonstrate a grade-point average of two and one-half on a four-point scale, or the equivalent on another scale.

4. Eligibility for a grant expires upon the earliest of:

(1) Receipt of the grant for four semesters or the equivalent;

(2) Receipt of a bachelor's degree; or

(3) Reaching two hundred percent of the time typically required to complete the program of study.

5. The coordinating board shall initially designate eligible programs of study by January 1, 2020, in connection with local education institutions, regional business organizations, and other stakeholders. The coordinating board shall annually review the list of eligible programs of study and make changes to the program list as it determines appropriate.

6. The coordinating board shall be the administrative agency for the implementation of the program established by this section and section 173.2554. The coordinating board shall promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section and section 173.2554. The coordinating board shall prescribe the form and the time and method of filing applications and supervise the processing thereof. The coordinating board shall determine the criteria for eligibility of applicants and shall evaluate each applicant's eligibility. The coordinating board shall select qualified recipients to receive grants, make such awards of financial assistance to qualified recipients, and determine the manner and method of payment to the recipients.

7. The coordinating board shall determine eligibility for renewed assistance on the basis of annual applications. As a condition to consideration for initial or renewed assistance, the coordinating board may require the applicant and the applicant's spouse to execute forms of consent authorizing the director of revenue to compare financial information submitted by the applicant with the Missouri individual income tax returns of the applicant, and the applicant's spouse, for the taxable year immediately preceding the year for which application is made, and to report any discrepancies to the coordinating board.

8. Grants shall be awarded in an amount equal to the actual tuition and general fees charged of an eligible student, after all federal nonloan aid, state student aid, and any other governmental student financial aid are applied. If a grant amount is reduced to zero due to the receipt of other aid, the eligible student shall receive an award of up to five hundred dollars or the remaining cost of attendance as calculated by the institution after all nonloan student aid has been applied, whichever is less, per academic term.

9. If appropriated funds are insufficient to fund the program as described, students applying for renewed assistance shall be given priority until all funds are expended.

10. A recipient of financial assistance may transfer from one approved public, private, or virtual institution to another without losing eligibility for assistance under this section, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition

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or fees under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund that may be attributed to the grant to the coordinating board. The coordinating board shall use these refunds to make additional awards under the provisions of this section.

11. Subject to the requirements of subsections 2, 3, and 4 of this section, a student is eligible for a fast track grant under this section if the student meets all of the following criteria:

(1) The student has successfully completed counseling explaining the benefits and obligations of the program under this section, including the terms and conditions of the promissory note under subdivision (2) of this subsection and the consequences of noncompliance specified in section 173.2554; and

(2) The student executes a promissory note acknowledging that the fast track grant moneys awarded under this section will be converted to a loan, and agreeing to repay that loan if he or she fails to satisfy the following conditions:

(a) Maintenance of at least half-time enrollment in an eligible program, with an interruption of qualifying enrollment of no more than twelve consecutive months from the last day of the most recent payment period during which the student received a fast track award;

(b) Graduation from an approved institution; or

(c) Residency within the state of Missouri within twelve months after the date of the student's graduation and for a period of not less than three years and qualifying employment within twelve months of the student's graduation and for a period of not less than three years. Residency and qualifying employment obligations may be deferred if the recipient's studies continue after graduation.

12. Persons who receive fast track grants under this section shall be required to submit proof of residency and qualifying employment to the coordinating board for higher education within thirty days of completing each twelve months of qualifying employment until the three year employment obligation is fulfilled.

13. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after the effective date of this section, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically six years after the effective date of the reauthorization; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

173.2554. GRANT CONVERTED TO LOAN, WHEN — WAIVER, WHEN — DEFERMENTS OR FORBEARANCES, WHEN — FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. Except as provided in subsection 2 of this section, if a student who received a fast track grant under section 173.2553 fails to comply with the terms of the promissory note under subdivision (2) of subsection 11 of section 173.2553, including failure to satisfy the conditions in paragraphs (a), (b), or (c) of such subdivision, the fast track grant shall be converted to a loan. This loan shall accrue interest at the federal direct loan interest rate for Direct Subsidized Undergraduate Loans in effect at the time the student enters the eligible program. Interest shall be calculated from the date the recipient enters repayment. For a

recipient who fulfills some, but not all, of his or her three-year residency and employment obligations, the amount of the fast track grant that is converted to a loan shall be reduced by one-third for each period of twelve months of residency and employment as verified by the proof of residency and qualifying employment required in subsection 12 of section 173.2553.

2. The coordinating board shall provide for a waiver under the fast track grant if the grant is not converted to a loan under subsection 1 of this section for a recipient who fails to comply with terms of the agreement under paragraphs (a), (b), or (c) of subdivision (2) of subsection 11 of section 173.2553 due to his or her total and permanent disability or death, the total and permanent disability or death of his or her spouse or child, or if such recipient or recipient's spouse is providing service to any branch of the Armed Forces of the United States and is transferred out of state and is no longer able to maintain Missouri residency as a result of such service. The waiver shall specify standards for the board's determination of total and permanent disability or death standards for the board's determination of total and permanent disability or death, or military transfer status, and a process for seeking a waiver under this subsection.

3. The coordinating board shall deposit in the fast track workforce incentive grant fund all repayments of principal and interest on the loans under subsection 1 of this section.

4. The coordinating board shall establish a procedure and guidelines for granting deferments or forbearances of fast track grants that have converted to loans and are in repayment status for recipients who:

(1) Are enrolled at least half-time at an institution of higher education;

(2) Experience economic hardship;

(3) Have a medical condition limiting their ability to continue repayment including, but not limited to, illness, disability, or pregnancy; or

(4) Are providing service to any branch of the Armed Forces of the United States.

5. The coordinating board shall establish a procedure and guidelines for granting loan discharge for fast track grants that have been converted to loans and are in repayment for recipients who are unable to fulfill the repayment obligation due to their total and permanent disability or death or the total and permanent disability or death of their spouse or child.

6. (1) There is hereby created in the state treasury the "Fast Track Workforce Incentive Grant Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the coordinating board for the purposes of this section and section 173.2553.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. The coordinating board shall have the authority to promulgate rules to implement the provisions of this section and section 173.2553. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay

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the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

620.511. BOARD ESTABLISHED, PURPOSE, MEETINGS, MEMBERS, TERMS, COMPENSATION FOR EXPENSES. — 1. There is hereby established the "Missouri Workforce Development Board", formerly known as the Missouri workforce investment board, and hereinafter referred to as "the board" in sections 620.511 to 620.513.

2. The purpose of the board is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the state of Missouri. The board shall be the state's advisory board pertaining to workforce preparation policy.

3. The board shall meet the requirements of the federal Workforce Innovation and Opportunity Act **[**of 2014**]**, hereinafter referred to as the "WIOA", P.L. 113-128, as amended. Should another federal law supplant the WIOA, all references in sections 620.511 to 620.513 to the WIOA shall apply as well to the new federal law.

4. Composition of the board shall comply with the WIOA. Board members appointed by the governor shall be subject to the advice and consent of the senate. Consistent with the requirements of the WIOA, the governor shall designate one member of the board to be its chairperson.

5. Each member of the board shall serve for a term of four years, subject to the pleasure of the governor, and until a successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled in the same manner as the original appointment and said replacement shall serve the remainder of the original appointee's unexpired term.

6. Of the members initially appointed to the WIOA, formerly known as the WIA, board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall be appointed for a term of one year.

7. WIOA board members shall receive no compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

8. The department may include on its website a list of the names of the members of the board, including the names of members of local workforce development boards, along with information on how to contact such boards.

620.800. DEFINITIONS. — The following additional terms used in sections 620.800 to 620.809 shall mean:

(1) "Agreement", the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;

(2) "Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;

(3) "Certificate", a new or retained jobs training certificate issued under section 620.809;

(4) "Committee", the Missouri **[**works**]** **one start** job training joint legislative oversight committee, established under the provisions of section 620.803;

(5) "Department", the Missouri department of economic development;

(6) "Employee", a person employed by a qualified company;

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(7) **"Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;**

(8) "Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

[(8)**]** **(9)** "Local education agency", a community college **district**, two-year state technical college, or technical career education center;

[(9)**]** **(10)** "Missouri **[**works training**]** **one start** program", the training program established under sections 620.800 to 620.809;

[(10)**]** **(11)** "New capital investment", costs incurred by the qualified company at the project facility for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the notice of intent;

[(11)**]** **(12)** "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county's average wage;

[(12)**]** **(13)** "New jobs credit", the credit from withholding remitted by a qualified company provided under subsection 7 of section 620.809;

[(13)**]** **(14)** "Notice of intent", a form developed by **[**the department, completed by the qualified company,**]** and submitted to the department that states the qualified company's intent to request benefits under this program;

[(14)**]** **(15)** "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

[(15)**]** **(16)** "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

[(16)**]** **(17)** "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance

to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term "qualified company" shall not mean:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food services and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

[(17)**]** **(18)** "Related company":

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and "ownership" shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(18)**]** **(19)** "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

[(19)**]** **(20)** "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

[(20)**]** **(21)** "Retained jobs", the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the notice of intent is submitted;

[(21)**]** **(22)** "Retained jobs credit", the credit from withholding remitted by a qualified company provided under subsection 7 of section 620.809;

[(22)**]** **(23)** "Targeted industry", an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state's economic security and growth;

[(23)**]** **(24)** "Training program", the Missouri **[**works training**]** **one start** program established under sections 620.800 to 620.809;

[(24)**]** **(25)** "Training project", the project or projects established through the Missouri **[**works training**]** **one start** program for the creation or retention of jobs by providing education and training of workers;

[(25)**]** **(26)** "Training project costs", **may include** all necessary and incidental costs of providing program services through the training program, **[**including**]** **such as**:

(a) Training materials and supplies;

(b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;

(c) Subcontracted services;

(d) On-the-job training;

(e) Training facilities and equipment;

(f) Skill assessment;

(g) Training project and curriculum development;

(h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;

(i) Payments to third-party training providers and to the eligible industry;

(j) Teaching and assistance provided by educational institutions in the state of Missouri;

(k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; and

(p) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates;

[(26)**]** **(27)** "Training project services", **[**includes**]** **may include**, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses **[**equal to fifteen percent of the total training costs**] at a reasonable amount determined by the department**;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

620.803. TRAINING PROGRAM ESTABLISHED, PURPOSE, FUNDING — OVERSIGHT COMMITTEE CREATED, MEMBERS, REPORT — RULEMAKING AUTHORITY — BANKRUPTCY, NOTIFICATION REQUIRED. — 1. The department shall establish a "Missouri **[**Works Training**] One Start** Program" to assist qualified companies in the training of employees in new jobs and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The training program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the training program to assist qualified companies in targeted industries.

2. There is hereby created the "Missouri **[**Works**] One Start** Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to **[**industries**] qualified companies** under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3. The department shall publish guidelines and may promulgate rules and regulations governing the training program. **In establishing such guidelines and promulgating such rules and regulations, the department shall consider such factors as the potential number of new jobs to be created, the potential number of new minority jobs created, the amount of new capital investment in new facilities and equipment, the significance of state benefits to the qualified company's decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the qualified company to the economic development of the state.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This

section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall make program applications and guidelines available online.

5. The department may contract with other entities**[**, not to exceed fifty thousand dollars annually,**]** for the purposes of advertising, marketing, or promoting the training program established in sections 620.800 to 620.809. Any assistance through the training program shall be provided under an agreement.

6. Prior to the authorization of any application submitted through the training program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

7. Any **[**taxpayer who**]** **qualified company that** is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended, shall immediately notify the department, shall forfeit such benefits, and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

8. The department may require repayment of all benefits awarded, increased by an additional amount that shall provide the state a reasonable rate of return, to any qualified company under sections 620.800 to 620.809 that fails to maintain the new or retained jobs within five years of approval of the benefits or that leaves the state within five years of approval of the benefits.

9. The department shall be authorized to contract with other entities, including businesses, industries, other state agencies, and political subdivisions of the state for the purpose of implementing a training project under the provisions of sections 620.800 to 620.809.

620.806. MISSOURI WORKS JOB DEVELOPMENT FUND ESTABLISHED, USE OF MONEYS. — 1. **[**The Missouri job development fund, formerly established in the state treasury by section 620.478, shall now**]** **There is hereby created in the state treasury a fund to** be known as the "Missouri **[**Works**]** **One Start** Job Development Fund" **[**and**]****, that** shall be administered by the department for the **[**training**]** **purposes of the Missouri one start** program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources. **The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

2. The department may provide financial assistance through the training program to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of

a majority of qualified companies organized to provide common training to the consortium members' employees. Funds in the Missouri **[**works**]** **one start** job development fund shall be appropriated, for financial assistance through the training program, by the general assembly to the department and shall be administered by a local **[**educational**]** **education** agency certified by the department for such purpose. Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri **[**works**]** **one start** job development fund. No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri **[**works**]** **one start** job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

3. **[**The department may provide assistance, through appropriations made from the Missouri works job development fund, to business and technology centers. Such assistance shall not include the lending of the state's credit for the payment of any liability of the fund. Such centers may be established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries as determined by current labor market information.**]** **Upon appropriation, a local education agency may petition the department to utilize the Missouri one start job development fund in order to create or improve training facilities, training equipment, training staff, training expertise, training programming, and administration. The department shall review all petitions and may award funds from the Missouri one start job development fund for reimbursement of training project costs and training project services as it deems necessary.**

4. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

620.809. COMMUNITY COLLEGE FUNDS CREATED, USE OF MONEYS — FORMS — ESTABLISHMENT OF PROJECTS, PROCEDURE, REQUIREMENTS — FUNDING OPTIONS — ISSUANCE OF CERTIFICATES — SUNSET PROVISION. — 1. **[**The Missouri community college job training program fund, formerly established in the state treasury by section 178.896, shall now**]** **There is hereby established in the state treasury a fund to** be known as the "Missouri **[**Works**]** **One Start** Community College New Jobs Training Fund" **[**and**]****, that** shall be administered by the department for the training program. The department of revenue shall credit to the fund, as received, all new jobs credits. **For existing Missouri businesses creating new jobs, the training project may include retained jobs.** The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. **The**

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department shall have the discretion to determine the appropriate amount of funds to allocate per training project. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection 5 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

2. **[**The Missouri community college job retention training program fund, formerly established in the state treasury by section 178.764, shall now**]** **There is hereby created in the state treasury a fund to** be known as the "Missouri **[**Works**]** **One Start** Community College Job Retention Training Fund" **[**and**], that** shall be administered by the department for the Missouri **[**works training**]** **one start** program. The department of revenue shall credit to the fund, as received, all retained jobs credits. **For existing Missouri businesses retaining jobs, the training project may include new jobs.** The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. **The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.** The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the department shall be made to the special fund for each project as provided under subsection 5 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

3. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid into the Missouri **[**works**]** **one start** community college new jobs training fund or retained jobs credit paid into the Missouri **[**works**]** **one start** community college job retention training fund. The new or retained jobs credits shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Reimbursements made by all qualified companies to the Missouri **[**works**]** **one start** community college new jobs training fund and the Missouri **[**works**]** **one start** community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

4. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the **community college** district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into,

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the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 6 of this section for a qualified company applying to receive a **new or** retained job credit, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly to the Missouri **[**works**]** **one start** community college new jobs training program fund or Missouri **[**works**]** **one start** community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) Funds appropriated by the general assembly from the general revenue fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(c) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, general revenue fund appropriations, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at **a** tax sale shall obtain the property subject to the remaining payments.

5. (1) For projects that are funded exclusively under paragraph (a) of subdivision (1) of subsection 4 of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.

(2) Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) and (b) of subdivision (1) of subsection 4 of this section, the department shall disburse funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under paragraph (a) of subdivision (1) of subsection 4 of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this section.

6. Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made; **and**

(2) **[**Retained, at the project facility, the same number of employees that existed in the taxable year immediately preceding the year in which application is made; and

(3)**]** Made or agrees to make a new capital investment of greater than five times the amount of any award under this training program at the project facility over a period of two consecutive **[**calendar**]** years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state; or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

7. If an agreement provides that all or part of the training program costs are to be met by receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training program costs have been paid, the new or retained jobs credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under subsections 1 and 2 of this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training program costs are to be met by receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

8. To provide funds for the present payment of the training project costs of new or retained jobs training project through the training program, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri **[**works**]** **one start** community college new jobs training fund or the Missouri **[**works**]** **one start** community college job retention training fund, to the special fund established by the **community college** district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013, unless an increased amount is authorized in writing by a majority of members of the committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

9. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

10. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

11. The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

12. Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection 4 of this section which are pledged in the agreement.

13. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under sections 620.800 to 620.809 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

14. Any agreement or obligation entered into by the department that was made under the provisions of sections 620.800 to 620.809 prior to the effective date of this section shall remain in effect according to the provisions of such agreement or obligation.

620.2005. DEFINITIONS. — As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "Contractor", a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

[(3)**]** **(4)** "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

[(4)**]** **(5)** "Department", the Missouri department of economic development;

[(5)**]** **(6)** "Director", the director of the department of economic development;

[(6)**]** **(7)** "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

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[(7)**]** **(8)** "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely **[**perform**]** **performed** job duties within Missouri;

[(8)**]** **(9)** "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

[(9)**]** **(10) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;**

(11) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(12) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

[(10)**]** **(13)** "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

[(11)**]** **(14)** "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

[(12)**]** **(15)** "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

[(13)**]** **(16)** "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(14)**]** **(17)** "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(18) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

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[(15)**]** **(19)** "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program**. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants**;

[(16)**]** **(20)** "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

[(17)**]** **(21)** "Program", the Missouri works program established in sections 620.2000 to 620.2020;

[(18)**]** **(22)** "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located **or by a qualified manufacturing company at which a manufacturing capital investment is or will be located**. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

[(19)**]** **(23)** "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

[(20)**]** **(24)** "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(21)**]** **(25)** "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

[(22)**]** **(26)** "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

[(23)**]** **(27)** "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it

pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(28) "Qualified manufacturing company", a company that:

(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

(b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;

[(24)**]** **(29)** "Related company", shall mean:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)**]** **(30)** "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

[(26)**]** **(31)** "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

[(27)**]** **(32)** "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(28)**]** **(33)** "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(29)**]** **(34)** "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

[(30)**]** **(35)** "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

[(31)**]** **(36)** This section is subject to the provisions of section 196.1127.

620.2010. RETENTION OF WITHHOLDING TAX FOR NEW JOBS, WHEN — TAX CREDITS AUTHORIZED, REQUIREMENTS — ALTERNATE INCENTIVES. — 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision **[**(30)**]** **(35)** of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval.

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection **or a qualified manufacturing company under subsection 3 of this section**, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, **manufacturing capital investment,** proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

3. **The department may award tax credits to a qualified manufacturing company that makes a manufacturing capital investment of at least five hundred million dollars not more than three years following the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A qualified manufacturing company may qualify for an additional five-year period under this subsection if it makes an additional manufacturing capital investment of at least two hundred fifty million dollars within five years of the department's approval of the original notice of intent.**

(1) The maximum amount of tax credits that any one qualified manufacturing company may receive under this subsection shall not exceed five million dollars per calendar year. The aggregate amount of tax credits awarded to all qualified manufacturing companies under this subsection shall not exceed ten million dollars per calendar year.

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(2) If, at the project facility at any time during the project period, the qualified manufacturing company discontinues the manufacturing of the new product, or discontinues the modification or expansion of an existing product, and does not replace it with a subsequent or additional new product or with a modification or expansion of an existing product, the company shall immediately cease receiving any benefit awarded under this subsection for the remainder of the project period and shall forfeit all rights to retain or receive any benefit awarded under this subsection for the remainder of such period.

(3) Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850 for the jobs created or retained or capital improvement that qualified for benefits under this section. The provisions of subsection 5 of section 285.530 shall not apply to a qualified manufacturing company that is awarded benefits under this section.

[3.**]** **4.** Upon approval of a notice of intent to receive tax credits under **[**subsections 2 and 5**]** **subsection 2, 3, 6, or 7** of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment**, or the manufacturing capital investment and committed percentage of retained jobs** for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department; **[**and**]**

(4) **Financial guarantee provisions as may be required by the department, provided that financial guarantee provisions shall be required by the department for tax credits awarded under subsection 7 of this section; and**

(5) Any other provisions the department may require.

[4.**]** **5.** In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision **[**(30)**]** **(35)** of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the

event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

[5.**]** **6.** In addition to the benefits available under subsection **[**4**]** **5** of this section, the department may award a qualified company that satisfies the provisions of subsection **[**4**]** **5** of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

[6.**]** **7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs and new capital investment created by the program, the department may award a qualified company that satisfies the provisions of subdivision (1) of subsection 1 of this section tax credits, issued within one year following the qualified company's acceptance of the department's proposal for benefits, in an amount equal to or less than nine percent of new payroll. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section and the qualified company's commitment to new capital investment and new job creation within the state for a period of not less than ten years. For the purposes of this subsection, each qualified company shall have an average wage of the new payroll that equals or exceeds one hundred percent of the county average wage. Notwithstanding the provisions of section 620.2020 to the contrary, this subsection, shall expire on June 30, 2025.**

8. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment **or manufacturing capital investment** at the project facility prior to receipt of a proposal for benefits under this section or approval of its notice of intent, whichever occurs first.

620.2020. PARTICIPATION PROCEDURES, DEPARTMENT DUTIES, QUALIFIED COMPANY DUTIES — MAXIMUM TAX CREDITS ALLOWED, ALLOCATION — PROHIBITED ACTS — REPORT, CONTENTS — RULEMAKING AUTHORITY — SUNSET DATE. — 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. **The department shall respond to a written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award under the provisions of this program within fifteen business days of receipt of such request.** Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program

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shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. **The department shall certify or reject the qualifying company's plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census.** Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision **[**(19)**]** **22** of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs**, along with minority jobs created or retained,** and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, **if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the**

previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs**; provided that, tax credits awarded under subsection 7 of section 620.2010 may be issued following the qualified company's acceptance of the department's proposal and pursuant to the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010**.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. **(1)** The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection **[**13**]** **14** of this section:

[(1)**]** **(a)** For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

[(2)**]** **(b)** For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized; **[**and**]**

[(3)**]** **(c)** For **[**any**]** fiscal **[**year**]** **years** beginning on or after July 1, 2015, **but ending on or before June 30, 2020,** no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year**; and**

(d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six million dollars in tax credits may be authorized for each fiscal year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed prior to July 1, 2020.

(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars in tax credits may be authorized for each fiscal year for the purpose of the completion of infrastructure projects directly connected with the creation or

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retention of jobs under the provisions of section 620.2000 to 620.2020 and an additional ten million dollars in tax credits may be authorized for each fiscal year for a qualified manufacturing company based on a manufacturing capital investment as set forth in section 620.2010.

8. **For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention for the creation of new jobs under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention for the creation of new jobs by qualified companies with a project facility base employment of less than fifty.**

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program**; provided that, the department may reserve up to twenty-one and one-half percent of the maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 7 of section 620.2010**. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements **or, for benefits awarded under subsection 7 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010**. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

[9.**]** **10.** Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

[10.**]** **11.** Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first

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applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

[11.**]** **12.** The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

[12.**]** **13.** An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

[13.**]** **14.** Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

[14.**]** **15.** If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

[15.**]** **16.** By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

[16.**]** **17.** The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

[17.**]** **18.** Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of **[**this**]** **the** reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.

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

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

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

2. Provisions of law to the contrary notwithstanding, no benefits authorized under job creation, worker training, and infrastructure development programs for an aerospace project shall be considered in determining compliance with applicable limitations on the aggregate amount of benefits that may be awarded annually or cumulatively under subdivision (3) of subsection 10 of section 99.845, subsection 5 of section 100.850, subsection 8 of section 620.809, and subsection 7 of section 620.2020. No aerospace project shall be authorized for state benefits under job creation, worker training, and infrastructure development programs that exceed, in the aggregate, one hundred fifty million dollars annually under all such programs.

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

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

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

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

Approved July 10, 2019

CCS SCS SB 83

Enacts provisions relating to court proceedings.

AN ACT to repeal sections 452.377, 452.402, 476.001, and 600.042, RSMo, and to enact in lieu thereof fifteen new sections relating to court proceedings.

SECTION

A.	Enacting clause.
452.377	Relocation of child by parent for more than ninety days, required procedure — violation, effect — notice of relocation of parent, required procedure.
452.402	Grandparent's visitation rights granted, when, terminated, when — guardian ad litem appointed, when — attorney fees and costs assessed, when.
476.001	Purpose of law.
528.700	Citation of law — definitions.
528.705	Applicability to partition actions.
528.710	Complaint, act not to limit method of service — posting of sign on property, when.
528.715	Appointment of commissioners, shall be disinterested and impartial, and not a party to action.
528.720	Heir's property, procedure.
528.725	Cotenants, notice requirements, procedure.
528.730	Interests not purchased by cotenants, options.
528.735	Partition in-kind, prejudice to cotenants as a group, remedy.
528.740	Sale of heir's property, requirements.
528.745	Broker to file report, when, contents.
528.750	Construction of act, promotion of uniformity of law to be considered.
600.042	Director's duties and powers — cases for which representation is authorized — rules, procedure — discretionary powers of defender system — bar members appointment authorized.

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

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SECTION A. ENACTING CLAUSE. — Sections 452.377, 452.402, 476.001, and 600.042, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 452.377, 452.402, 476.001, 528.700, 528.705, 528.710, 528.715, 528.720, 528.725, 528.730, 528.735, 528.740, 528.745, 528.750, and 600.042, to read as follows:

452.377. RELOCATION OF CHILD BY PARENT FOR MORE THAN NINETY DAYS, REQUIRED PROCEDURE — VIOLATION, EFFECT — NOTICE OF RELOCATION OF PARENT, REQUIRED PROCEDURE. — 1. For purposes of this section and section 452.375, "relocate" or "relocation" means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. Notice of a proposed relocation of the residence of the child, or any party entitled to custody or visitation of the child, shall be given in writing by certified mail, return receipt requested, to any party with custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of a child, if applicable; **[**and**]**

(5) A proposal for a revised schedule of custody or visitation with the child, if applicable**; and**

(6) The other party's right, if that party is a parent, to file a motion, pursuant to this section, seeking an order to prevent the relocation and an accompanying affidavit setting forth the specific good faith factual basis for opposing the relocation within thirty days of receipt of the notice.

3. If a party seeking to relocate a child is a participant in the address confidentiality program under section 589.663, such party shall not be required to provide the information in subdivision (1) of subsection 2 of this section, but may be required to submit such information under seal to the court for in camera review. Prior to disclosure of this information, a court shall comply with the provisions of section 589.664.

4. A party required to give notice of a proposed relocation pursuant to subsection 2 of this section has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

5. In exceptional circumstances where the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:

(1) The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the pleadings, notice, other documents filed in the proceeding or the final order except for an in camera disclosure;

(2) The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

(3) Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.

6. The court shall consider a failure to provide notice of a proposed relocation of a child as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

7. If the parties agree to a revised schedule of custody and visitation for the child, which includes a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing.

8. The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a parent files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit setting forth the specific **good faith** factual basis supporting a prohibition of the relocation. The person seeking relocation shall file a response to the motion within fourteen days, unless extended by the court for good cause, and include a counter-affidavit setting forth the facts in support of the relocation as well as a proposed revised parenting plan for the child.

9. If relocation of the child is proposed, a third party entitled by court order to legal custody of or visitation with a child and who is not a parent may file a cause of action to obtain a revised schedule of legal custody or visitation, but shall not prevent a relocation.

10. The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

11. If relocation is permitted:

(1) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrants otherwise; and

(2) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

12. After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language:

"Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; **[**and**]**

(5) A proposal for a revised schedule of custody or visitation with the child**; and**

(6) The other party's right, if that party is a parent, to file a motion, pursuant to Section 452.377, RSMo, seeking an order to prevent the relocation and an accompanying affidavit setting forth the specific good faith factual basis for opposing the relocation within thirty days of receipt of the notice.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a

relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice.".

13. A participant in the address confidentiality program under section 589.663 shall not be required to provide a requesting party with the specific physical or mailing address of the child's proposed relocation destination, but in the event of an objection by a requesting party, a participant may be required to submit such information under seal to the court for in camera review. Prior to disclosure of this information, a court shall comply with the provisions of section 589.664.

14. Violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

15. Any party who objects in good faith to the relocation of a child's principal residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

452.402. GRANDPARENT'S VISITATION RIGHTS GRANTED, WHEN, TERMINATED, WHEN — GUARDIAN AD LITEM APPOINTED, WHEN — ATTORNEY FEES AND COSTS ASSESSED, WHEN. — 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree**[**. The court may grant**]** **when a** grandparent **[**visitation when**]** **has been unreasonably denied visitation for a period exceeding sixty days, and**:

(1) The parents of the child have filed for a dissolution of their marriage. A grandparent shall have the right to intervene in any dissolution action solely on the issue of visitation rights. Grandparents shall also have the right to file a motion to modify the original decree of dissolution to seek visitation rights when visitation has been denied to them; **[**or**]**

(2) One parent of the child is deceased and the surviving parent denies reasonable visitation to a parent of the deceased parent of the child; or

(3) The child has resided in the grandparent's home for at least six months within the twenty-four month period immediately preceding the filing of the petition**[**; and**].**

[(4) A grandparent is unreasonably denied visitation with the child for a period exceeding ninety days. However,**]**

Except as otherwise provided in subdivision (1) of this subsection, if the natural parents are legally married to each other and are living together with the child, a grandparent may not file for visitation pursuant to this **[**subdivision**]** **subsection**.

2. **Before ordering visitation,** the court shall**, in addition to the requirements of subsection 1 of this section,** determine if the visitation by the grandparent would be in the child's best **[**interest or if it would endanger the child's physical health or impair the child's emotional development**]** **interests**. Visitation may only be ordered when the court finds such visitation to be in the best interests of the child. **[**However, when the parents of the child are legally married to each other and are living together with the child, it shall be a rebuttable presumption that such parents know what is in the best interest of the child.**]** The court may order reasonable conditions or restrictions on grandparent visitation.

3. If the court finds it to be in the best interests of the child, the court may appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. A home study, as described by section 452.390, may be ordered by the court to assist in determining the best interests of the child.

5. The court may, in its discretion, consult with the child regarding the child's wishes in determining the best interest of the child.

6. The right of a grandparent to maintain visitation rights pursuant to this section may terminate upon the adoption of the child.

7. The court may award reasonable attorneys fees and expenses to the prevailing party.

476.001. PURPOSE OF LAW. — An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, **and** 478.320**[**, and subdivision (12) of subsection 1 of section 600.042**]** to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.

528.700. CITATION OF LAW — DEFINITIONS. — 1. The provisions of sections 528.700 to 528.750 shall be known and may be cited as the "Save the Family Farm Act".

2. For purposes of sections 528.700 to 528.750, the following terms and phrases shall mean:

(1) "Ascendant", an individual who precedes another individual in lineage, in the direct line of ascent from the other individual;

(2) "Collateral", an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual's ascendant or descendant;

(3) "Descendant", an individual who follows another individual in lineage, in the direct line of descent from the other individual;

(4) "Determination of value", a court order determining the fair market value of heirs' property under section 528.720 or 528.740 or adopting the valuation of the property agreed to by all cotenants;

(5) "Heirs' property", real property held in tenancy in common that satisfies all of the following requirements as of the filing of a partition action:

(a) There is no agreement in a record binding all the cotenants that governs the partition of the property;

(b) One or more of the cotenants acquired title from a relative, whether living or deceased; and

(c) Any of the following applies:

a. Twenty percent or more of the interests are held by cotenants who are relatives;

b. Twenty percent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased; or

c. Twenty percent or more of the cotenants are relatives;

(6) "Partition by sale", a court-ordered sale of the entire heirs' property, whether by auction, sealed bids, or open-market sale conducted under section 528.740;

(7) "Partition in kind", the division of heirs' property into physically distinct and separately titled parcels;

(8) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(9) "Relative", an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or law of this state other than the provisions of sections 528.700 to 528.750.

528.705. APPLICABILITY TO PARTITION ACTIONS. — 1. Sections 528.700 to 528.750 shall apply to partition actions filed on or after August 28, 2019.

2. In an action to partition real property under this chapter, the court shall determine whether the property is heirs' property. If the court determines that the property is heirs' property, the property shall be partitioned under sections 528.700 to 528.750 unless all of the cotenants otherwise agree in a record.

3. Sections 528.700 to 528.750 shall supplement sections 528.010 to 528.640 and Missouri supreme court rule 96.

528.710. COMPLAINT, ACT NOT TO LIMIT METHOD OF SERVICE — POSTING OF SIGN ON PROPERTY, WHEN. — 1. Sections 528.700 to 528.750 shall not limit or affect the method by which service of a complaint in a partition action may be made.

2. If the plaintiff in a partition action seeks an order of notice by publication and the court determines that the property may be heirs' property, the plaintiff, no later than ten days after the court's determination, shall post and maintain, while the action is pending, a conspicuous sign on the property that is the subject of the action. The sign shall state that the action has commenced and identify the name and address of the court and the common designation by which the property is known. The court may require the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

528.715. APPOINTMENT OF COMMISSIONERS, SHALL BE DISINTERESTED AND IMPARTIAL, AND NOT A PARTY TO ACTION. — If the court appoints commissioners under supreme court rule 96, each commissioner, in addition to the requirements and disqualifications applicable to commissioners in supreme court rule 96, shall be disinterested and impartial and not a party to or a participant in the action.

528.720. HEIR'S PROPERTY, PROCEDURE. — 1. Except as otherwise provided in subsections 2 and 3 of this section, if the court determines that the property that is the subject of a partition action is heirs' property, the court shall determine the fair market value of the property by ordering a certified appraisal under subsection 4 of this section.

2. If all cotenants have agreed to the value of the property or to another method of valuation, the court shall adopt that value or the value produced by the agreed method of valuation.

3. If the court determines that the evidentiary value of an appraisal is outweighed by the cost of the appraisal, the court, after an evidentiary hearing, shall determine the fair market value of the property and send notice to the parties of the value.

4. If the court orders a certified appraisal, the court shall appoint a disinterested real estate appraiser licensed in this state to determine the fair market value of the property assuming sole ownership of the fee simple estate. On completion of the appraisal, the appraiser shall file a sworn or verified appraisal with the court.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. If an appraisal is conducted under subsection 4 of this section, no later than ten days after the appraisal is filed, the court shall send notice to each party with a known address, stating:

(1) The appraised fair market value of the property;

(2) That the appraisal is available at the clerk's office; and

(3) That a party may file with the court an objection to the appraisal no later than thirty days after the notice is sent stating the grounds for the objection.

6. If an appraisal is filed with the court under subsection 4 of this section, the court shall conduct a hearing to determine the fair market value of the property no sooner than thirty days after a copy of the notice of the appraisal is sent to each party under subsection 5 of this section regardless of whether an objection to the appraisal is filed under subdivision (3) of subsection 5 of this section. In addition to the court-ordered appraisal, the court may consider any other evidence of value offered by a party.

7. After a hearing under subsection 6 of this section but before considering the merits of the partition action, the court shall determine the fair market value of the property and send notice to the parties of the value.

528.725. COTENANTS, NOTICE REQUIREMENTS, PROCEDURE. — 1. If any cotenant has requested partition by sale after the determination of value under section 528.720, the court shall send notice to the parties that any cotenant, except a cotenant that requested partition by sale, may buy all the interests of the cotenants that requested partition by sale.

2. No later than forty-five days after the notice is sent under subsection 1 of this section, any cotenant, except a cotenant that requested partition by sale, may give notice to the court that it elects to buy all the interests of the cotenants that requested partition by sale.

3. The purchase price for each of the interests of a cotenant that requested partition by sale is the value of the entire parcel determined under section 528.720 multiplied by the cotenant's fractional ownership of the entire parcel.

4. After expiration of the period in subsection 2 of this section, the following rules shall apply:

(1) If only one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall notify all the parties of that fact;

(2) If more than one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall allocate the right to buy those interests among the electing cotenants based on each electing cotenant's existing fractional ownership of the entire parcel divided by the total existing fractional ownership of all cotenants electing to buy and send notice to all the parties of that fact and of the price to be paid by each electing cotenant;

(3) If no cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall send notice to all the parties of that fact and resolve the partition action under subsection 1 or 2 of section 528.730.

5. If the court sends notice to the parties under subdivision (1) or (2) of subsection 4 of this section, the court shall set a date, no sooner than sixty days after the date the notice was sent, by which electing cotenants shall pay their apportioned price into the court. After this date, the following rules shall apply:

(1) If all electing cotenants timely pay their apportioned price into court, the court shall issue an order reallocating all the interests of the cotenants and disburse the amounts held by the court to the persons entitled to them;

(2) If no electing cotenant timely pays its apportioned price, the court shall resolve the partition action under subsection 1 or 2 of section 528.730 as if the interests of the cotenants that requested partition by sale were not purchased; or

(3) If one or more but not all of the electing cotenants fail to pay their apportioned price on time, the court, on motion, shall give notice to the electing cotenants that paid their apportioned price of the interest remaining and the price for all that interest.

6. No later than twenty days after the court gives notice under subdivision (3) of subsection 5 of this section, any cotenant that paid may elect to purchase all of the remaining interest by paying the entire price into the court. After the twenty-day period, the following rules shall apply:

(1) If only one cotenant pays the entire price for the remaining interest, the court shall issue an order reallocating the remaining interest to that cotenant. The court shall promptly issue an order reallocating the interests of all of the cotenants and disburse the amounts held by the court to the persons entitled to such amounts;

(2) If no cotenant pays the entire price for the remaining interest, the court shall resolve the partition action under subsection 1 or 2 of section 528.730 as if the interests of the cotenants that requested partition by sale were not purchased; or

(3) If more than one cotenant pays the entire price for the remaining interest, the court shall reapportion the remaining interest among those paying cotenants based on each paying cotenant's original fractional ownership of the entire parcel divided by the total original fractional ownership of all cotenants that paid the entire price for the remaining interest. The court shall promptly issue an order reallocating all of the cotenants' interests, disburse the amounts held by the court to the persons entitled to such amounts, and promptly refund any excess payment held by the court.

7. No later than forty-five days after the court sends notice to the parties under subsection 1 of this section, any cotenant entitled to buy an interest under this section may request the court to authorize the sale as part of the pending action of the interests of cotenants named as defendants and served with the complaint but that did not appear in the action.

8. If the court receives a timely request under subsection 7 of this section, the court, after hearing, may deny the request or authorize the requested additional sale on such terms as the court determines are fair and reasonable, subject to the following limitations:

(1) A sale authorized under this subsection may occur only after the purchase prices for all interests subject to sale under subsections 1 to 6 of this section have been paid into court and those interests have been reallocated among the cotenants as provided in subsections 1 to 6 of this section; and

(2) The purchase price for the interest of a nonappearing cotenant is based on the court's determination of value under section 528.720.

528.730. INTERESTS NOT PURCHASED BY COTENANTS, OPTIONS. — 1. If all the interests of all cotenants that requested partition by sale are not purchased by other cotenants under section 528.725, or, if after conclusion of the buyout under section 528.725, a cotenant that has requested partition in kind remains, the court shall order partition in kind unless the court, after consideration of the factors listed in section 528.735, finds that partition in kind will result in great prejudice to the cotenants as a group. In considering whether to order partition in kind, the court shall approve a request by two or more parties to have their individual interests aggregated.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. If the court does not order partition in kind under subsection 1 of this section, the court shall order partition by sale under section 528.740 or, if no cotenant requested partition by sale, the court shall dismiss the action.

3. If the court orders partition in kind under subsection 1 of this section, the court may require that one or more cotenants pay one or more other cotenants amounts so that the payments, taken together with the value of the in-kind distributions to the cotenants, shall make the partition in kind just and proportionate in value to the fractional interests held.

4. If the court orders partition in kind, the court shall allocate to the cotenants that are unknown, unlocatable, or the subject of a default judgment, if their interests were not bought out under section 528.725, a part of the property representing the combined interests of these cotenants as determined by the court, and that part of the property shall remain undivided.

528.735. PARTITION IN-KIND, PREJUDICE TO COTENANTS AS A GROUP, REMEDY. — 1. In determining, under subsection 1 of section 528.730, whether partition in kind would result in great prejudice to the cotenants as a group, the court shall consider the following:

(1) Whether the heirs' property practicably can be divided among the cotenants;

(2) Whether partition in kind would apportion the property in such a way that the aggregate fair market value of the parcels resulting from the division would be materially less than the value of the property if it were sold as a whole, taking into account the condition under which a court-ordered sale likely would occur;

(3) Evidence of the collective duration of ownership or possession of the property by a cotenant and one or more predecessors in title or predecessors in possession to the cotenant who are or were relatives of the cotenant or each other;

(4) A cotenant's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the cotenant;

(5) The lawful use being made of the property by a cotenant and the degree to which the cotenant would be harmed if the cotenant could not continue the same use of the property;

(6) The degree to which the cotenants have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property; and

(7) Any other relevant factor.

2. The court shall not consider any one factor in subsection 1 of this section to be dispositive without weighing the totality of all relevant factors and circumstances.

528.740. SALE OF HEIR'S PROPERTY, REQUIREMENTS. — 1. If the court orders a sale of heirs' property, the sale shall be an open-market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group.

2. If the court orders an open-market sale and the parties, no later than ten days after the entry of the order, agree on a real estate broker licensed in this state to offer the property for sale, the court shall appoint the broker and establish a reasonable commission. If the parties do not agree on a broker, the court shall appoint a disinterested real estate broker licensed in this state to offer the property for sale and shall establish a reasonable commission. The broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court. If the court finds that an auction company is more advantageous

to the cotenants as a group, it has the discretion to appoint an auction company to conduct the sale required under this subsection.

3. If the broker appointed under subsection 2 of this section obtains within a reasonable time an offer to purchase the property for at least the determination of value:

(1) The broker shall comply with the reporting requirements in section 528.745; and

(2) The sale may be completed in accordance with state law other than sections 528.700 to 528.750.

4. If the broker appointed under subsection 2 of this section does not obtain within a reasonable time an offer to purchase the property for at least the determination of value, the court, after hearing, may:

(1) Approve the highest outstanding offer, if any;

(2) Redetermine the value of the property and order that the property continue to be offered for an additional time; or

(3) Order that the property be sold by sealed bids or at an auction.

5. If the court orders a sale by sealed bids or an auction, the court shall set terms and conditions of the sale. If the court orders a sale, the sale shall be conducted under supreme court rule 96.

6. If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

528.745. BROKER TO FILE REPORT, WHEN, CONTENTS. — 1. Unless required to do so within a shorter time by supreme court rule 96, a broker appointed under subsection 2 of section 528.740 to offer heirs' property for open-market sale shall file a report with the court no later than seven days after receiving an offer to purchase the property for at least the value determined under section 528.720 or 528.740.

2. The report required under subsection 1 of this section shall contain the following information:

(1) A description of the property to be sold to each buyer;

(2) The name of each buyer;

(3) The proposed purchase price;

(4) The terms and conditions of the proposed sale, including the terms of any owner financing;

(5) The amounts to be paid to lienholders;

(6) A statement of contractual or other arrangements or conditions of the broker's commission; and

(7) Other material facts relevant to the sale.

528.750. CONSTRUCTION OF ACT, PROMOTION OF UNIFORMITY OF LAW TO BE CONSIDERED. — In applying and construing sections 528.700 to 528.750, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact such substantially similar provisions.

600.042. DIRECTOR'S DUTIES AND POWERS — CASES FOR WHICH REPRESENTATION IS AUTHORIZED — RULES, PROCEDURE — DISCRETIONARY POWERS OF DEFENDER SYSTEM — BAR MEMBERS APPOINTMENT AUTHORIZED. — 1. The director shall:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system**[**;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021**]**.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

Approved July 9, 2019

SB 84

Enacts provisions relating to geologic resources fees.

AN ACT to repeal section 256.700, RSMo, and to enact in lieu thereof one new section relating to geologic resources fees.

SECTION

A.	Enacting clause.
256.700	Surface mining, fee — director to require fee, when — amount of fee — expiration date — rulemaking authority.

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

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION A. ENACTING CLAUSE. — Section 256.700, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 256.700, to read as follows:

256.700. SURFACE MINING, FEE — DIRECTOR TO REQUIRE FEE, WHEN — AMOUNT OF FEE — EXPIRATION DATE — RULEMAKING AUTHORITY. — 1. Any operator desiring to engage in surface mining who applies for a permit under section 444.772 shall, in addition to all other fees authorized under such section, annually submit a geologic resources fee. Such fee shall be deposited in the geologic resources fund established and expended under section 256.705. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, there shall be no fee under this section.

2. The director of the department of natural resources may require a geologic resources fee for each permit not to exceed one hundred dollars. The director may also require a geologic resources fee for each site listed on a permit not to exceed one hundred dollars for each site. The director may also require a geologic resources fee for each acre permitted by the operator under section 444.772 not to exceed ten dollars per acre. If such fee is assessed, the fee per acre on all acres bonded by a single operator that exceeds a total of three hundred acres shall be reduced by fifty percent. In no case shall the geologic resources fee portion for any permit issued under section 444.772 be more than three thousand five hundred dollars.

3. Beginning August 28, 2007, the geologic resources fee shall be set at a permit fee of fifty dollars, a site fee of fifty dollars, and an acre fee of six dollars. Fees may be raised as allowed in this subsection by a regulation change promulgated by the director of the department of natural resources. Prior to such a regulation change, the director shall consult the industrial minerals advisory council created under section 256.710 in order to determine the need for such an increase in fees.

4. Fees imposed under this section shall become effective August 28, 2007, and shall expire on December 31, **[**2020**]** **2025**. No other provisions of sections 256.700 to 256.710 shall expire.

5. The department of natural resources may promulgate rules to implement the provisions of sections 256.700 to 256.710. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

Approved June 6, 2019

HCS SB 87

Enacts provisions relating to taxation, with an emergency clause for a certain section.

AN ACT to repeal sections 67.1360, 135.090, 135.562, 139.031, 143.121, 143.1026, 144.190, 313.905, 313.915, 313.920, 313.925, 313.935, 313.945, 313.950, and 313.955, RSMo, and to enact in lieu thereof twenty-two new sections relating to taxation, with an emergency clause for a certain section.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

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

SECTION A. ENACTING CLAUSE. — Sections 67.1360, 135.090, 135.562, 139.031, 143.121, 143.1026, 144.190, 313.905, 313.915, 313.920, 313.925, 313.935, 313.945, 313.950, and 313.955, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 67.1360, 135.090, 135.562, 139.031, 143.121, 143.732, 143.980, 143.1026, 143.1028, 143.1029, 144.088, 144.190, 313.905, 313.915, 313.917, 313.920, 313.925, 313.935, 313.945, 313.950, 313.955, and 621.047, to read as follows:

67.1360. TRANSIENT GUESTS TO PAY TAX FOR FUNDING THE PROMOTION OF TOURISM, CERTAIN CITIES AND COUNTIES, VOTE REQUIRED. — 1. The governing body of the following cities and counties may impose a tax as provided in this section:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; **[**or**]**

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants**; or**

(37) Any city with more than four thousand but fewer than five thousand five hundred inhabitants and located in any county of the fourth classification with more than thirty thousand but fewer than forty-two thousand inhabitants.

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns**,** and campgrounds and any docking facility **[**which**] that** rents slips to recreational boats **[**which**] that** are used by transients for sleeping, which shall be at least two percent**[**,**]** but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary**,** or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

135.090. INCOME TAX CREDIT FOR SURVIVING SPOUSES OF PUBLIC SAFETY OFFICERS — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, "homestead" shall not include any dwelling which is occupied by more than two families;

(2) "Public safety officer", any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor vehicle enforcement officer, emergency medical responder, as defined in section 190.100, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer's own misconduct or abuse of alcohol or drugs;

(3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse's homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, **[**2019**]** **2027**, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.562. PRINCIPAL DWELLINGS, TAX CREDIT FOR RENOVATIONS FOR DISABILITY ACCESS. — 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued **[**pursuant to**]** **under** this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

(1) Constructing entrance or exit ramps;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) Widening exterior or interior doorways;
(3) Widening hallways;
(4) Installing handrails or grab bars;
(5) Moving electrical outlets and switches;
(6) Installing stairway lifts;
(7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
(8) Modifying hardware of doors; or
(9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, **[**pursuant to**]** **under** this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same **[**taxable**]** **tax** year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, **[**2019**]** **2025**, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed **[**pursuant to**]** **under** this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.

139.031. PAYMENT OF CURRENT TAXES UNDER PROTEST — ACTION, WHEN COMMENCED, HOW TRIED — REFUNDS, HOW MADE, MAY BE USED AS CREDIT FOR NEXT YEAR'S TAXES — INTEREST, WHEN ALLOWED — COLLECTOR TO INVEST PROTESTED TAXES, DISBURSAL TO TAXING AUTHORITIES, WHEN. — 1. Any taxpayer may protest all or any part of any current taxes assessed against the taxpayer, except taxes collected by the director of revenue of Missouri. Any such taxpayer desiring to pay any current taxes under protest or while paying taxes based upon a disputed assessment shall, at the time of paying such taxes, make full payment of the current tax bill before the delinquency date and file with the collector a written statement setting forth the grounds on which the protest is based. The statement shall include the true value in money claimed by the taxpayer if disputed. An appeal before the state tax commission shall not be dismissed on

the grounds that a taxpayer failed to file a written statement when paying taxes based upon a disputed assessment.

2. Upon receiving payment of current taxes under protest **[**pursuant to**]** **under** subsection 1 of this section or upon receiving from the state tax commission or the circuit court notice of an appeal from the state tax commission or the circuit court **[**pursuant to**]** **under** section 138.430, along with full payment of the current tax bill before the delinquency date, the collector shall disburse to the proper official all portions of taxes not protested or not disputed by the taxpayer and shall impound in a separate fund all portions of such taxes which are protested or in dispute. Every taxpayer protesting the payment of current taxes under subsection 1 of this section shall, within ninety days after filing his protest, commence an action against the collector by filing a petition for the recovery of the amount protested in the circuit court of the county in which the collector maintains his office. If any taxpayer so protesting his taxes under subsection 1 of this section shall fail to commence an action in the circuit court for the recovery of the taxes protested within the time prescribed in this subsection, such protest shall become null and void and of no effect, and the collector shall then disburse to the proper official the taxes impounded, and any interest earned thereon, as provided above in this subsection.

3. No action against the collector shall be commenced by any taxpayer who has, effective for the current tax year, filed with the state tax commission or the circuit court a timely and proper appeal of the assessment of the taxpayer's property. The portion of taxes in dispute from an appeal of an assessment shall be impounded in a separate fund and the commission in its decision and order issued **[**pursuant to**]** **under** chapter 138 or the circuit court in its judgment may order all or any part of such taxes refunded to the taxpayer, or may authorize the collector to release and disburse all or any part of such taxes.

4. Trial of the action for recovery of taxes protested under subsection 1 of this section in the circuit court shall be in the manner prescribed for nonjury civil proceedings, and, after determination of the issues, the court shall make such orders as may be just and equitable to refund to the taxpayer all or any part of the current taxes paid under protest, together with any interest earned thereon, or to authorize the collector to release and disburse all or any part of the impounded taxes, and any interest earned thereon, to the appropriate officials of the taxing authorities. Either party to the proceedings may appeal the determination of the circuit court.

5. All the county collectors of taxes, and the collector of taxes in any city not within a county, shall, upon written application of a taxpayer, refund or credit against the taxpayer's tax liability in the following taxable year and subsequent consecutive taxable years until the taxpayer has received credit in full for any real or personal property tax mistakenly or erroneously levied against the taxpayer and collected in whole or in part by the collector. Such application shall be filed within three years after the tax is mistakenly or erroneously paid. The governing body, or other appropriate body or official of the county or city not within a county, shall make available to the collector funds necessary to make refunds under this subsection by issuing warrants upon the fund to which the mistaken or erroneous payment has been credited, or otherwise.

6. No taxpayer shall receive any interest on any money paid in by the taxpayer erroneously.

7. All protested taxes impounded under protest under subsection 1 of this section and all disputed taxes impounded under notice as required by section 138.430 shall be invested by the collector in the same manner as assets specified in section 30.260 for investment of state moneys. A taxpayer who is entitled to a refund of protested or disputed taxes shall also receive the interest earned on the investment thereof. If the collector is ordered to release and disburse all or part of the taxes paid under protest or dispute to the proper official, such taxes shall be disbursed along

with the proportional amount of interest earned on the investment of the taxes due the particular taxing authority.

8. Any taxing authority may request to be notified by the county collector of current taxes paid under protest. Such request shall be in writing and submitted on or before February first next following the delinquent date of current taxes paid under protest or disputed, and the county collector shall provide such information on or before March first of the same year to the requesting taxing authority of the taxes paid under protest and disputed taxes which would be received by such taxing authority if the funds were not the subject of a protest or dispute. Any taxing authority may apply to the circuit court of the county or city not within a county in which a collector has impounded protested or disputed taxes under this section and, upon a satisfactory showing that such taxing authority would receive such impounded tax funds if they were not the subject of a protest or dispute and that such taxing authority has the financial ability and legal capacity to repay such impounded tax funds in the event a decision ordering a refund to the taxpayer is subsequently made, the circuit court shall order, pendente lite, the disbursal of all or any part of such impounded tax funds to such taxing authority. The circuit court issuing an order under this subsection shall retain jurisdiction of such matter for further proceedings, if any, to compel restitution of such tax funds to the taxpayer. In the event that any protested or disputed tax funds refunded to a taxpayer were disbursed to a taxing authority under this subsection instead of being held and invested by the collector under subsection 7 of this section, **[**such taxing authority shall pay the taxpayer entitled to the refund of such protested or disputed taxes the same amount of interest, as determined by the circuit court having jurisdiction in the matter, such protested or disputed taxes would have earned if they had been held and invested by the collector**]** **the taxpayer shall be entitled to interest on all refunded tax funds at the annual rate calculated by the state treasurer and applied by the director of revenue under section 32.068. This measure of interest shall only apply to protested or disputed tax funds actually distributed to a taxing authority pursuant to this subsection. In the event of a refund of protested or disputed tax funds which remain impounded by the collector, the taxpayer shall instead be entitled to the interest actually earned on those refunded impounded tax funds under subsection 7 of this section. Any sovereign or official immunity otherwise applicable to the taxing authorities is hereby waived for all purposes related to this subsection, and the taxpayer is expressly authorized to seek an order enforcing this provision from the circuit court that originally ordered the distribution of the protested or disputed funds, or directly from the state tax commission, if the tax appeal that resulted in the refund was heard and determined by the state tax commission**.

9. No appeal filed from the circuit court's or state tax commission's determination pertaining to the amount of refund shall stay any order of refund, but the decision filed by any court of last review modifying that determination shall be binding on the parties, and the decision rendered shall be complied with by the party affected by any modification within ninety days of the date of such decision. No taxpayer shall receive any interest on any additional award of refund, and the collector shall not receive any interest on any ordered return of refund in whole or in part.

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. 163, as amended, if the limitation under 26 U.S.C. 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining

the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; **[**and**]**

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

(a) Livestock Forage Disaster Program;

(b) Livestock Indemnity Program;

(c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;

(d) Emergency Conservation Program;

(e) Noninsured Crop Disaster Assistance Program;

(f) Pasture, Rangeland, Forage Pilot Insurance Program;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(g) Annual Forage Pilot Program;

(h) Livestock Risk Protection Insurance Plan; and

(i) Livestock Gross Margin insurance plan**; and**

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. 163, as amended, if the limitation under 26 U.S.C. 163(j), as amended, did not exist.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored

energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.732. PENALTIES FOR DELAYED PAYMENTS OR UNDERPAYMENTS OF INDIVIDUAL TAX LIABILITY NOT ASSESSED FOR TAX YEAR 2018, WHEN, INTEREST — RULEMAKING — SUNSET PROVISION. — 1. Notwithstanding any provision of law to the contrary, no taxpayer who has an individual tax liability under chapter 143 for the tax year beginning January 1, 2018, and ending December 31, 2018, shall be assessed any penalty before December 31, 2019, for a delayed payment or underpayment on such liability, provided that such taxpayer timely files his or her individual income tax return for such tax year and participates, in good faith, in any payment plan authorized by the department of revenue with respect to such liability. Such taxpayer may nonetheless be assessed interest on such liability under the provisions of section 143.731 and any other relevant provision of law, provided that no interest on such liability shall be assessed before May 15, 2019. If such taxpayer paid interest or penalty on such liability under the provisions of section 143.731 and any other relevant provision of law before May 15, 2019, he or she shall be entitled to a refund of such interest or penalty, which shall be due no later than December 31, 2019.

2. The department of revenue is authorized to adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

3. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2019; and

(2) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

143.980. CITATION OF LAW — DEFINITIONS — PREPARER TAX IDENTIFICATION NUMBER REQUIRED, WHEN, PENALTIES — DIRECTOR MAY COMMENCE SUITE, INJUNCTIVE RELIEF. — 1. This section shall be known as the "Taxpayer Protection Act".

2. For purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of revenue;

(2) "Paid tax return preparer", a person who prepares for compensation, or who employs one or more person to prepare for compensation, any income tax return or claim for refund required to be filed under this chapter. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of such return or claim for refund. A paid tax return preparer shall not include any certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm or an enrolled agent entitled to practice before the federal Internal Revenue Service under 31 C.F.R. Section 10.4;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(3) "Willful or reckless conduct", the same meaning as provided under 26 U.S.C. Section 6694(b)(2).

3. For all tax years beginning on or after January 1, 2020, any income return or claim for refund prepared by a paid tax return preparer shall be signed by the paid tax return preparer and shall bear the paid tax return preparer's Internal Revenue Service preparer tax identification number. Any person who is the paid tax return preparer with respect to any tax return or claim for refund and who fails to sign the return or claim for refund, or who fails to provide his or her preparer tax identification number, shall pay a penalty of fifty dollars for each such failure, unless it can be shown that the failure was due to reasonable cause and not willful or reckless conduct. The aggregate penalty that may be imposed by the department on any paid tax return preparer with respect to returns or claims for refund filed during any calendar year shall not exceed twenty-five thousand dollars per paid tax return preparer.

4. (1) In a court of competent jurisdiction, the director of the department may commence suit to enjoin any paid tax return preparer from further engaging in any conduct described under subdivision 2 of this subsection or from further action as a paid tax return preparer.

(2) In any action under subdivision 1 of this subsection, if the court finds that injunctive relief is appropriate to prevent the recurrence of this conduct, the court may enjoin the paid tax return preparer from further engaging in any conduct specified in this subdivision. The court may enjoin conduct when a paid tax return preparer has done any of the following:

(a) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to an unreasonable position. For purposes of this subdivision, the term "unreasonable position" shall have the same meaning as provided under 26 U.S.C. Section 6694(a)(2);

(b) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to the paid tax return preparer's willful or reckless conduct;

(c) Where required, failed to sign an income tax return or claim for refund;

(d) Where required, failed to furnish his or her preparer tax identification number;

(e) Where required, failed to retain a copy of the income tax return;

(f) Where required by due diligence requirements imposed under department rules and regulations, failed to be diligent in determining eligibility for tax benefits;

(g) Negotiated a check issued to a taxpayer by the department without the permission of the taxpayer;

(h) Engaged in any conduct subject to any criminal penalty provided under chapters 135 to 155;

(i) Misrepresented the paid tax return preparer's eligibility to practice to the department or otherwise misrepresented the paid tax return preparer's experience or education;

(j) Guaranteed the payment of any income tax refund or the allowance of any income tax credit; or

(k) Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of this state.

(3) (a) If the court finds that a paid tax return preparer has continually or repeatedly engaged in any conduct described under subdivision 2 of this subsection and that an injunction prohibiting the conduct would not be sufficient to prevent the person's interference with the proper administration of the tax laws of this state, the court may enjoin the person from acting as a paid tax return preparer in this state.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(b) The fact that the person has been enjoined from preparing tax returns or claims for refund for the United States or any other state in the five years preceding the petition for an injunction shall establish a prima facie case for an injunction to be issued under this section. For purposes of this paragraph, the term "state" shall mean a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

143.1026. SAHARA'S LAW — PEDIATRIC CANCER RESEARCH DONATION — FUND CREATED — SUNSET PROVISION. — 1. This section shall be known and may be cited as "Sahara's Law".

2. For all taxable years beginning on or after January 1, 2013, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the pediatric cancer research trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

3. There is hereby created in the state treasury the "Pediatric Cancer Research Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. All moneys credited to the trust fund shall be considered **[**nonstate**]** **state** funds under Section 15, Article IV, Constitution of Missouri**, but shall not be included in the calculation of total state revenue under Section 18, Article X of the Missouri Constitution**. The treasurer shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to CureSearch for Children's Cancer.

4. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first **[**six**]** **five** years after August 28, **[**2013**]** **2019**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

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(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of the administering agency to verify the continued eligibility of projects receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

143.1028. KANSAS CITY REGIONAL LAW ENFORCEMENT MEMORIAL FOUNDATION FUND TAX REFUND DESIGNATION. — 1. For all tax years beginning on or after January 1, 2019, and ending before January 1, 2024, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, or two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Kansas City Regional Law Enforcement Memorial Foundation Fund, hereinafter referred to as the fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the foundation, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual wishes to contribute. Such amounts shall be clearly designated for the fund.

2. There is hereby created in the state treasury the "Kansas City Regional Law Enforcement Memorial Foundation Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director of the department of revenue shall establish a procedure by which the moneys deposited in the fund shall be distributed at least monthly to the Kansas City Regional Law Enforcement Memorial Foundation.

3. The director of revenue shall deposit at least monthly all contributions designated by individuals and corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasurer for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

143.1029. SOLDIERS MEMORIAL MILITARY MUSEUM IN ST. LOUIS FUND TAX REFUND DESIGNATION. — 1. For all tax years beginning on or after January 1, 2019, and ending before January 1, 2024, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any

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amount in excess of one dollar on a single return, or two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Soldiers Memorial Military Museum in St. Louis Fund, hereinafter referred to as the fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the foundation, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual wishes to contribute. Such amounts shall be clearly designated for the fund.

2. There is hereby created in the state treasury the "Soldiers Memorial Military Museum in St. Louis Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director of the department of revenue shall establish a procedure by which the moneys deposited in the fund shall be distributed at least monthly to the Missouri Historical Society for the purposes funding operations at Soldiers Memorial Military Museum.

3. The director of revenue shall deposit at least monthly all contributions designated by individuals and corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasurer for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

144.088. DEFINITIONS — RATE OF SALES TAX STATED ON RECEIPT OR INVOICE, WHEN, CONTENTS. — 1. For purposes of this section, the following terms shall mean:

(1) "Sales invoice", any document, in either paper or electronic format, which lists items to be sold as part of a sales transaction and states the prices of such items; and

(2) "Sales receipt", any document, in either paper or electronic format, which lists items sold as part of a sales transaction and states the prices of such items.

2. Any seller who sells more than five hundred thousand dollars worth of goods per year and provides a purchaser with a sales receipt or sales invoice in conjunction with a sale, as defined under section 144.010, shall clearly state on such sales receipt or sales invoice the total rate of all sales tax imposed on the sale referenced by such document. This total rate shall reflect any applicable state or local sales tax authorized under the laws of this state.

144.190. REFUND OF OVERPAYMENTS — CLAIM FOR REFUND — TIME FOR MAKING CLAIMS — PAID TO WHOM — DIRECT PAY AGREEMENT FOR CERTAIN PURCHASERS — SPECIAL RULES FOR ERROR CORRECTIONS — REFUND NOT ALLOWED, WHEN — TAXES PAID MORE THAN ONCE, EFFECT OF. — 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of

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the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax **[**pursuant to sections 144.010 to 144.525**] under chapter 144**, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax **[**pursuant to sections 144.010 to 144.525**] under chapter 144**, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within **[**three**] ten** years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes

of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized **[**pursuant to**]** **under** chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied **[**pursuant to sections 144.010 to 144.525**]** **under chapter 144** has received a refund

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of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if the refund claim is filed by a purchaser under the provisions of subsection 4 of this section, the refund claim is for use tax remitted by the purchaser, or an additional refund claim is filed by a person legally obligated to remit the tax due to any of the following:

(1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;

(2) A decision of a court of competent jurisdiction or the administrative hearing commission; or

(3) Changes in regulations or policy by the department of revenue.

9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax **[**pursuant to sections 144.010 to 144.510**]** **under chapter 144** against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

313.905. DEFINITIONS. — As used in sections 313.900 to 313.955, the following terms shall mean:

(1) "Authorized internet website", an internet website or any platform operated by a licensed operator;

(2) "Commission", the Missouri gaming commission;

(3) "Entry fee", anything of value including, but not limited to, cash or a cash equivalent that a fantasy sports contest operator collects in order to participate in a fantasy sports contest;

(4) "Fantasy sports contest", any fantasy or simulated game or contest with an entry fee**[**, conducted on an internet website or any platform,**]** in which:

(a) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;

(b) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and

(c) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event;

(5) "Fantasy sports contest operator", any person **[**or**],** entity**, or division of a corporate entity** that offers **[**fantasy sports contests for a prize**]** **a platform for the playing of fantasy contests, administers one or more fantasy contests with an entry fee, and awards a prize of value**;

(6) "Highly experienced player", a person who has either:

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(a) Entered more than one thousand contests offered by a single fantasy sports contest operator; or

(b) Won more than three fantasy sports prizes of one thousand dollars or more;

(7) "Licensed operator", a fantasy sports contest operator licensed pursuant to section 313.910 to offer fantasy sports contests for play on an authorized internet website in Missouri;

(8) **"Location", the geographical position of a person as determined within a degree of accuracy consistent with generally available internet protocol address locators;**

(9) "Location percentage", for all fantasy sports contests, the percentage, rounded to the nearest one-tenth of one percent, of the total entry fees collected from registered players located in the state of Missouri at the time of entry into a fantasy contest, divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests;

(10) "Minor", any person less than eighteen years of age;

[(9)**]** **(11)** "Net revenue", for all fantasy sports contests, the amount equal to the total entry fees collected from all participants entering such fantasy sports contests less winnings paid to participants in the contests, multiplied by the **[**resident**]** **location** percentage;

[(10)**]** **(12)** "Player", a person who participates in a fantasy sports contest offered by a fantasy sports contest operator;

[(11)**]** **(13)** "Prize", anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded;

[(12)**]** **(14)** "Registered player", a person registered pursuant to section 313.920 to participate in a fantasy sports contest **[**on an authorized internet website**]**;

[(13) "Resident percentage", for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent, of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests; and

(14)**]** **(15)** "Script", a list of commands that a fantasy-sports-related computer program can execute to automate processes on a fantasy sports contest platform.

313.915. LICENSED OPERATOR TO BE IDENTIFIED ON AUTHORIZED WEBSITE — OPERATOR REQUIREMENTS. — 1. In order to ensure the protection of registered players, an authorized internet website shall identify the person or entity that is the licensed operator.

2. A licensed operator shall ensure that fantasy sports contests on its authorized internet website comply with all of the following:

(1) All winning outcomes are determined by accumulated statistical results of fully completed contests or events, and not merely any portion thereof, except that fantasy participants may be credited for statistical results accumulated in a suspended or shortened contest or event which has been called on account of weather or other natural or unforeseen event;

(2) **[**A licensed operator shall not allow**]** Registered players **[**to**]** **shall not** select athletes through an autodraft that does not involve any input or control by a registered player, or to choose preselected teams of athletes;

(3) **[**A licensed operator shall not offer or award**]** A prize **shall not be offered to or awarded** to the winner of, or athletes in, the underlying competition itself; and

(4) **[**A licensed operator shall not offer**]** Fantasy sports contests **shall not be** based on the performances of participants in **[**collegiate,**]** high school**[**,**]** or youth athletics.

3. A licensed operator shall have procedures approved by the commission before operating in Missouri that:

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(1) [Prevents] **Prevent** unauthorized withdrawals from a registered player's account by the licensed operator or others;

(2) [Makes] **Make** clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(3) Segregate player funds from operational funds **as provided under subsections 4 and 5 of this section**;

(4) [Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(5)] [Ensures] **Ensure** any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight hours **or mailed within five business days** of winning the prize **except as provided under section 313.917**;

[(6)] **(5)** [Ensures] **Ensure** registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer or by the custodian of a financial account;

[(7)] **(6)** [Allows] **Allow** a registered player to permanently close their account at any time for any reason; and

[(8)] **(7)** [Offers] **Offer** registered players access to their play history and account details.

4. **A properly constituted special purpose entity shall be approved by the commission as a sufficient means of segregating player funds from operational funds. A properly constituted special purpose entity shall:**

(1) Have a governing board that includes one or more corporate directors who are independent of the fantasy sports contest operator and of any corporation controlled by the fantasy sports contest operator;

(2) Hold, at a minimum, the sum of all authorized player funds held in player accounts for use in fantasy sports contests;

(3) Reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose entity is established;

(4) Distribute funds only for the following purposes:

(a) For player account balance withdrawals or partial balance withdrawals made upon the specific request of the player;

(b) For income earned on the account, and owed to the fantasy sports operator, calculated as the remainder of all entry fees paid by users for fantasy sports contests minus all user winnings and cash bonuses paid or owed to users, payable to the fantasy sports contest operator;

(c) To the Missouri gaming commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri gaming commission may interplead the funds in the Cole County circuit court for distribution to the authorized players for whose protection and benefit the account was established and to other such

persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(d) As authorized in writing in advance by any agreement approved by the Missouri gaming commission;

(5) Require a unanimous vote of all corporate directors to file bankruptcy;

(6) Obtain permission from the Missouri gaming commission prior to filing bankruptcy or entering into receivership;

(7) Have corporate governance requirements which prohibit commingling of funds with that of the fantasy sports contest operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator;

(8) Be restricted from incurring debt other than to fantasy sports players under the rules that govern their accounts for contests;

(9) Be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players under the rules that govern their accounts for contests; and

(10) Be prohibited from dissolving, merging, or consolidating with another company without the written approval of the Missouri gaming commission while there are unsatisfied obligations to fantasy sports contest players.

5. The commission, at its discretion, may approve other commercially reasonable approaches to segregation of funds so long as they adequately protect Missouri player accounts.

6. A licensed operator shall establish procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints.

[5.**]** **7.** A registered player who believes his or her account has been misallocated, compromised, or otherwise mishandled should notify the commission. Upon notification, the commission may investigate the claim and may take any action the commission deems appropriate under subdivision (4) of section 313.950.

[6.**]** **8.** A licensed operator shall not issue credit to a registered player.

[7.**]** **9.** A licensed operator shall not allow a registered player to establish more than one account or user name on its authorized internet website.

313.917. LICENSED OPERATOR MAY DELAY PAYMENT OF PRIZES, WHEN — INVESTIGATIONS — PAYMENTS OF CONTESTED PRIZES. — 1. If a licensed operator believes in good faith that a registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, the licensed operator may delay payment of any prize won by such player for up to fifteen days while the licensed operator investigates to determine if any such conduct occurred; provided that, the licensed operator provides notice of the nature of the investigation to the registered player. If the licensed operator finds that the registered player has engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, the licensed operator may refuse to pay out the prize to the registered player if the licensed operator informs the registered player in writing of the reason for nullification of the prize, that the player has the right to request an investigation by the commission within thirty days, and of the contact information for the commission.

2. The commission shall establish a process to investigate any case referred to it under subsection 1 of this section and issue determinations on a case-by-case basis. The commission shall notify the licensed operator and the registered player of its determination

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and either party may, within thirty days, appeal such determination to the administrative hearing commission as provided under section 621.047.

3. If a licensed operator delays or withholds payment of a prize under the provisions of this section, such licensed operator shall pay any prizes won by other registered players in the contest as though the contested payment will be awarded to the registered player under investigation. If, after final determination, the contested payment is not awarded, all other winning registered players in the contest shall have their prizes adjusted accordingly.

313.920. PARTICIPANT REGISTRATION WITH LICENSED OPERATOR REQUIRED — SECURITY STANDARDS — ONLINE SELF-EXCLUSION FORM — CERTAIN ADVERTISING PROHIBITED — PARENTAL CONTROL PROCEDURES — USE OF SCRIPTS, MONITORING — HIGHLY EXPERIENCED PLAYERS IDENTIFIED BY SYMBOL. — 1. A person shall register with a licensed operator prior to participating in fantasy sports contests on an authorized internet website.

2. A licensed operator shall implement appropriate security standards to prevent access to fantasy sports contests by a person whose location and age have not been verified in accordance with this section.

3. A licensed operator shall ensure that all individuals register before participating in a fantasy sports contest on an authorized internet website and provide their age and state of residence.

4. A licensed operator shall ensure that an individual is of legal age before participating in **a** fantasy sports contest **[**on an authorized internet website**]**. In Missouri, the legal age to participate shall be eighteen years of age.

5. (1) The licensed operator shall develop an online self-exclusion form and a process to exclude from play any person who has filled out the form.

(2) A licensed operator shall retain each online self-exclusion form submitted to it in order to identify persons who want to be excluded from play. A licensed operator shall exclude those persons.

(3) A licensed operator shall provide a link on its authorized internet website to a compulsive behavior website and the online self-exclusion form described in subdivision (1) of this subsection.

6. A licensed operator shall not advertise fantasy sports contests in publications or other media that are aimed exclusively or primarily at persons less than eighteen years of age. A licensed operator's advertisement shall not depict persons under eighteen years of age, students, or settings involving a school or college. However, incidental depiction of nonfeatured minors shall not be a violation of this subsection.

7. A licensed operator shall not advertise fantasy sports contests to an individual by phone, email, or any other form of individually targeted advertisement or marketing material if the individual has self-excluded himself or herself pursuant to this section or if the individual is otherwise barred from participating in fantasy sports contests. A licensed operator shall also take reasonable steps to ensure that individuals on the involuntary exclusion list or disassociated persons list maintained by the commission are not subject to any form of individually targeted advertising or marketing.

8. A licensed operator shall not misrepresent the frequency or extent of winning in any fantasy sports contest advertisement.

9. A licensed operator shall clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any fantasy sports contest. Licensed operators shall take commercially reasonable steps to confirm that an individual opening an account is not a minor.

10. Licensed operators shall prohibit the use of scripts in fantasy sports contests that give players an unfair advantage over other players.

11. Licensed operators shall monitor fantasy sports contests to detect the use of unauthorized scripts and restrict players found to have used such scripts from further fantasy sports contests.

12. Licensed operators shall make all authorized scripts readily available to all fantasy sports players; provided, that a licensed operator shall clearly and conspicuously publish its rules on what types of scripts may be authorized in the fantasy sports contest.

13. Licensed operators shall clearly and conspicuously identify highly experienced players in fantasy sports contests by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website.

14. Licensed operators shall offer some fantasy sports contests open only to beginner players and that exclude highly experienced players.

313.925. PARTICIPATION PROHIBITED FOR CERTAIN PERSONS — CONFIDENTIALITY OF PROPRIETARY INFORMATION. — 1. This section applies to all of the following persons:

(1) An officer of a licensed operator;

(2) A director of a licensed operator;

(3) A principal of a licensed operator;

(4) An employee of a licensed operator; and

(5) A contractor of a licensed operator with proprietary or nonpublic information.

2. A person listed in subsection 1 of this section shall not play **in** any fantasy sports contest **[**outside of private fantasy sports contests offered by the licensed operator exclusively for those listed**]** **offered by any fantasy sports contest operator that is open to the public**.

3. A person listed in subsection 1 of this section shall not disclose proprietary or nonpublic information that may affect the play of fantasy sports contests to any individual authorized to play fantasy sports contests.

4. A licensed operator shall make the prohibitions in this section known to all affected individuals and corporate entities.

313.935. LICENSE REQUIRED — APPLICATION, FEE — INVESTIGATION PERMITTED — OPERATION FEE — GRANDFATHER PROVISION — FEE UPON CESSATION. — 1. No fantasy sports contest operator shall offer any fantasy sports contest in Missouri without first being licensed by the commission. A fantasy sports contest operator wishing to offer fantasy sports contests in this state shall **[**annually**]** apply to the commission for a license and shall remit to the commission an **[**annual**]** application fee of ten thousand dollars or ten percent of the applicant's net revenue from the previous calendar year, whichever is lower.

2. As part of the commission's investigation and licensing process, the commission may conduct an investigation of the fantasy sports contest operator's employees, officers, directors, trustees, and principal salaried executive staff officers. The applicant shall be responsible for the **[**total**]** cost of the investigation **up to ten thousand dollars**. If the cost of the investigation exceeds the application fee, the applicant shall remit **such cost** to the commission **[**the total cost of the investigation**]** prior to any license being issued. **[**The total cost of the investigation, paid by the applicant, shall not exceed fifty thousand dollars.**]** **An applicant may apply for, and the commission may grant, based on a showing of undue burden, a waiver of all or a portion of the cost of the investigation.** All revenue received under this section shall be placed into the gaming commission fund created under section 313.835. **The investigation set forth in this paragraph does not apply to a renewal of a license.**

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3. **(1) A fantasy sports contest operator with net revenues of two million dollars or more from the previous calendar year shall be required to submit an annual license renewal fee of five thousand dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues of less than two million dollars but greater than one million dollars from the previous calendar year shall be required to submit an annual license renewal fee of two thousand five hundred dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues equal to or less than one million dollars but greater than two hundred fifty thousand dollars shall submit an annual license renewal fee of one thousand dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues of two hundred fifty thousand dollars or less from the previous calendar year shall not be required to submit an annual license renewal fee. On the anniversary date of the payment made under subsection 1, a licensed operator shall submit to the commission a notice of license renewal describing any material changes to the operator's compliance with the consumer protections set forth in sections 313.915, 313.920, and 313.925 together with the license renewal fee required under this subsection. A license is renewed upon submission of the notice and payment of the appropriate renewal fee.**

(2) In addition to the **[**application**]** **license renewal** fee, a licensed operator shall also pay an annual operation fee**[**, on April fifteenth of each year,**]** in a sum equal to **[**eleven and one-half**]** **six** percent of the licensed operator's net revenue from the previous calendar year. All revenue collected under this subsection shall be placed in the gaming proceeds for education fund created under section 313.822. If a licensed operator fails to **apply for a license renewal or** pay the annual operation fee **[**by April fifteenth, the licensed operator shall have its license immediately suspended by**],** the commission **may suspend the license of such licensed operator** until such payment is made.

4. Any fantasy sports contest operator already operating in the state prior to April 1, 2016, may operate until they have received or have been denied a license. Such fantasy sports contest operators shall apply for a license prior to October 1, 2016. Any fantasy sports contest operator operating under this subsection after August 28, 2016, shall pay the annual operation fee of eleven and one-half percent of its net revenue from August 28, 2016, until action is taken on its application. If a **licensed** fantasy sports contest operator fails to pay its **annual** operation fee by **[**April 15, 2017**]** **November 1, 2019**, the **commission may suspend the license or deny the pending license application of such** fantasy sports contest operator **[**shall have its license immediately suspended by the commission, or if the fantasy sports contest operator has a pending application, its application shall be denied immediately**]**.

5. If a **licensed** fantasy sports contest operator ceases to offer fantasy sports contests in Missouri, the operator shall pay an operation fee equal to **[**eleven and one-half**]** **six** percent of its net revenue for the period of the calendar year in which it offered fantasy sports contests in Missouri **by November first of the subsequent calendar year**. **[**Such payment shall be made within sixty days of the last day the fantasy sports contest operator offered fantasy sports contests in Missouri. After the expiration of sixty days, a penalty of five hundred dollars per day shall be assessed against the fantasy sports contest operator until the operation fee and any penalty is paid in full.**]**

313.945. CONFIDENTIALITY OF RECORDS, EXCEPTIONS. — 1. Notwithstanding any applicable statutory provision to the contrary, all investigatory, proprietary, or application records, information, and summaries in the possession of the commission or its agents **[**may**]** **shall** be

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treated by the commission as closed records not to be disclosed to the public; except that the commission shall, on written request from any person, provide such person with the following information furnished by an applicant or licensee:

(1) The name, business address, and business telephone number of any applicant or licensee;

(2) An identification of any applicant or licensee, including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the federal Securities and Exchange **[**Division**] Commission**, the names of those persons or entities holding interest shall be provided;

(3) An identification of any business, including, if applicable, the state of incorporation or registration in which an applicant or licensee or an applicant's or licensee's spouse or children have an equity interest. If an applicant or licensee is a corporation, partnership, or other business entity, the applicant or licensee shall identify any other corporation, partnership, or business entity in which it has an equity interest, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership, or other business entity that has a pending registration statement filed with the federal Securities and Exchange **[**Division**] Commission**;

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, except for traffic violations, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition, and the location and length of incarceration;

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in this state or any jurisdiction denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each such action was taken, and the reason for each such action;

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt, including the date of filing, the name and location of the court, and the case and number of the disposition;

(7) Whether an applicant or licensee has filed or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of, or a dispute over, the filings concerning the payment of any tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and time periods involved;

(8) A statement listing the names and titles of all public officials or officers of any unit of government, and relatives of such public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee;

(9) The name and business telephone number of the attorney representing an applicant or licensee in matters before the commission.

2. Notwithstanding any applicable statutory provision to the contrary, the commission shall, on written request from any person, also provide the following information:

(1) The amount of the tax receipts paid to the state by the holder of a license;

(2) Whenever the commission finds an applicant for a license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial; and

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(3) Whenever the commission has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

313.950. COMMISSION TO SUPERVISE OPERATORS, LICENSEES, AND WEBSITES — POWERS AND DUTIES. — The commission **[**shall have full jurisdiction over and**]** shall supervise all licensed operators, other licensees, and authorized internet websites governed by sections 313.900 to 313.955. The commission shall have the following powers to implement sections 313.900 to 313.955:

(1) To investigate applicants;

(2) To license fantasy sports contest operators and adopt standards for licensing;

(3) To investigate alleged violations of sections 313.900 to 313.955 or the commission's rules, orders, or final decisions;

(4) To assess an appropriate administrative penalty of not more than **[**ten**]** **one** thousand dollars per violation, not to exceed **[**one hundred**]** **ten** thousand dollars for violations arising out of the same transaction or occurrence, and take action including, but not limited to, the suspension or revocation of a license for violations of sections 313.900 to 313.955 or the commission's rules, orders, or final decisions;

(5) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.900 to 313.955 or the commission rules;

(6) To take any other action as may be reasonable or appropriate to enforce sections 313.900 to 313.955 and the commission rules.

313.955. RULEMAKING AUTHORITY. — 1. The commission shall have power to adopt and enforce rules and regulations:

(1) **[**To regulate and license the management, operation, and conduct of fantasy sports contests and participants therein;

(2)**]** To adopt responsible play protections for registered players; and

[(3)**]** **(2)** To properly administer and enforce the provisions of sections 313.900 to 313.955.

2. The commission shall not adopt rules or regulations limiting or regulating the rules or administration of an individual fantasy sports contest, the statistical makeup of a fantasy sports contest, or the digital platform of a fantasy sports contest operator.

3. No rule or portion of a rule promulgated under the authority of sections 313.900 to 313.955 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

621.047. HEARINGS ON DISPUTES RELATED TO FANTASY SPORTS PRIZE PAY OUT DELAYS OR WITHHOLDINGS. — 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, decision, or determination made by the Missouri gaming commission under section 313.917. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the Missouri gaming commission is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the Missouri gaming commission shall contain a notice of the right of appeal in substantially the following language:

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"If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission."

2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536. Decisions of the administrative hearing commission under this section shall be binding, subject to appeal by either party.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure that taxpayers in this state have adequate time to understand and meet their income tax obligations for the 2018 tax year, due to recent changes in the published state employer withholding tax guidance issued in response to the passage of U.S. Pub. L. No. 115-97, section 143.732 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 143.732 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 11, 2019

SCS SB 89

Enacts provisions relating to transportation, with existing penalty provisions.

AN ACT to repeal sections 144.070, 301.020, 301.032, 301.191, 302.170, 302.720, 302.768, 304.580, 304.585, 304.894, and 307.350, RSMo, and to enact in lieu thereof eleven new sections relating to transportation, with existing penalty provisions.

SECTION

A.	Enacting clause.
144.070	Purchase or lease of motor vehicles, trailers, boats and outboard motors, tax on — option granted lessor — application to act as leasing company.
301.020	Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program permitted.
301.032	Fleet vehicle registration, director to establish system — procedures — special license plates — exempt from inspection requirements, when.
301.191	Certificate of ownership, homemade trailers — inspection, fee — manufacturers' identifying number plate.
302.170	Federal REAL ID Act, compliance with — definitions — retention of documents — inapplicability, when — issuance of compliant licenses and ID cards, procedure — biometric data restrictions — privacy — violations, civil damages and criminal penalties — data retention — expiration date.
302.720	Operation without license prohibited, exceptions — instruction permit, use, duration, fee — license, test required, contents, fee — director to promulgate rules and regulations for certification of third-party testers — certain persons prohibited from obtaining license, exceptions — third-party testers, when.
302.768	Compliance with federal law, certification required — application requirements, procedure.

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304.580 Definitions.
304.585 Endangerment of a highway worker defined — fine, points assessed — aggravated endangerment of a highway worker, fine, points assessed — offense not applicable in absence of workers in zone — no citation or conviction, when.
304.894 Offense of endangerment of an emergency responder, elements — penalties.
307.350 Motor vehicles, biennial inspection required, exceptions — authorization to operate inspection station for inspection authorized — violation, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 144.070, 301.020, 301.032, 301.191, 302.170, 302.720, 302.768, 304.580, 304.585, 304.894, and 307.350, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 144.070, 301.020, 301.032, 301.191, 302.170, 302.720, 302.768, 304.580, 304.585, 304.894, and 307.350, to read as follows:

144.070. PURCHASE OR LEASE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS, TAX ON — OPTION GRANTED LESSOR — APPLICATION TO ACT AS LEASING COMPANY. — 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing **or rental** company **and pay an annual fee of two hundred fifty dollars for such authority**. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070

and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. **Every applicant to be a lease or rental company shall furnish with the application a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the lease or rental company complying with the provisions of any statutes applicable to lease or rental companies, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the lease or rental license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.**

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.**]** **8.** If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue

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for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.

[8.**]** **10.** Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

301.020. APPLICATION FOR REGISTRATION OF MOTOR VEHICLES, CONTENTS — CERTAIN VEHICLES, SPECIAL PROVISIONS — PENALTY FOR FAILURE TO COMPLY — OPTIONAL BLINDNESS ASSISTANCE DONATION — DONATION TO ORGAN DONOR PROGRAM PERMITTED. — 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is **[**five**]** **ten** years of age or less **and has less than one hundred fifty thousand miles on the odometer**, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of **[**five**]** **ten** years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is **[**five**]** **ten** years of age or less **and has less than one hundred fifty thousand miles on the odometer**, the director

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of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of **[**five**]** **ten** years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for

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its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

301.032. FLEET VEHICLE REGISTRATION, DIRECTOR TO ESTABLISH SYSTEM — PROCEDURES — SPECIAL LICENSE PLATES — EXEMPT FROM INSPECTION REQUIREMENTS, WHEN. — 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

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4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. **[**The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.**]**

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

6. Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.

(1) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.

(2) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.

7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.

8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January 1 of the licensure period.

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10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.

11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

301.191. CERTIFICATE OF OWNERSHIP, HOMEMADE TRAILERS — INSPECTION, FEE — MANUFACTURERS' IDENTIFYING NUMBER PLATE. — 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer **[**sixteen feet or more in length**]** which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer **[**sixteen feet or more in length**]** shall obtain an inspection from the sheriff of his or her county of residence or from the Missouri state highway patrol prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's or the Missouri state highway patrol's certificate of inspection shall be transferred with the trailer.

4. A fee of **[**ten**]** **twenty-five** dollars shall be paid for the inspection. If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the **[**ten**]** **twenty-five** dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.

5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified by the sheriff, the sheriff may stamp a permanent identifying number in the tongue of the frame. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no

related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted.

302.170. FEDERAL REAL ID ACT, COMPLIANCE WITH — DEFINITIONS — RETENTION OF DOCUMENTS — INAPPLICABILITY, WHEN — ISSUANCE OF COMPLIANT LICENSES AND ID CARDS, PROCEDURE — BIOMETRIC DATA RESTRICTIONS — PRIVACY — VIOLATIONS, CIVIL DAMAGES AND CRIMINAL PENALTIES — DATA RETENTION — EXPIRATION DATE. — 1. As used in this section, the following terms shall mean:

(1) "Biometric data", shall include, but not be limited to, the following:

(a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) "Commercial purposes", shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) "Source documents", original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as provided or required by subsection 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners **and Missouri commercial third-party tester examiners**;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit;

(5) Documents submitted by a commercial driver's license **or commercial driver instruction permit** applicant who is a Missouri resident and is **[**active duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101,**]** **a qualified current or former military service member** which **[**allows**]** **allow** for waiver of the commercial driver's license knowledge test, skills test, or both; and

(6) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

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c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue

in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

15. The provisions of this section shall expire five years after August 28, 2017.

302.720. OPERATION WITHOUT LICENSE PROHIBITED, EXCEPTIONS — INSTRUCTION PERMIT, USE, DURATION, FEE — LICENSE, TEST REQUIRED, CONTENTS, FEE — DIRECTOR TO PROMULGATE RULES AND REGULATIONS FOR CERTIFICATION OF THIRD-PARTY TESTERS — CERTAIN PERSONS PROHIBITED FROM OBTAINING LICENSE, EXCEPTIONS — THIRD-PARTY TESTERS, WHEN. — 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued

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a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be **nonrenewable and shall be** valid for the vehicle being operated for a period of not more than **[**six months**] one year**, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. **[**A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period.**]** The fee for such permit **[**or renewal**]** shall be **[**five**] ten** dollars. **[**In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars**] The fee for a duplicate of such permit shall be five dollars**.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Applicants for a commercial driver's license shall complete an entry-level driver training program as required under 49 CFR 380.609.** All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant

submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills **[**test**]** **and written tests** for any qualified **current or former** military **service member** applicant for a **commercial driver's instruction permit or** commercial driver's license who is currently licensed at the time of application for a **commercial driver's instruction permit or** commercial driver's license. The director shall impose conditions and limitations **and require certification and evidence** to restrict the applicants from whom the department may accept **the** alternative requirements for the skills **[**test**]** **and written tests** described in federal regulation **49 CFR 383.71 and** 49 CFR 383.77. **[**An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or cancelled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;

(f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i) The applicant must**]** **Applicants shall** meet all federal and state qualifications to operate a commercial vehicle**[**; and

(j) The applicant will**]**. **Applicants shall** be required to complete all applicable **[**knowledge**]** tests**, except when the applicant provides proof of approved military training sufficient for waiver of the written and skills tests as specified in subdivision (5) of subsection 3 of section 302.170**.

3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

6. Notwithstanding the provisions of this section or any other law to the contrary, beginning December 1, 2019, the director of the department of revenue shall certify as a third-party tester any private education institution or other private entity, provided the institution or entity meets the necessary qualifications required by the state.

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories **[**defined**]** **described** in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver**, until such time as the medical examiner's certificate information is received electronically through a verification system approved by the Federal Motor Carrier Safety Administration**. The state shall retain **[**the original or copy of**]** the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide **[**an**]** updated medical certificate or variance **[**documents**]** **information** to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

304.580. DEFINITIONS. — As used in sections 304.582 and 304.585, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms "worker" or "highway worker" as used in sections 304.582 and 304.585 shall mean any person **[**that**]** **who** is working in a construction zone or work zone **on a state highway or the right-of-way of a state highway**, **[**or**]** any employee of the department of transportation **[**that**]** **who** is performing duties under the department's motorist assist program on a state highway or the right-of-way of a state highway**, or any utility worker performing utility work on a state highway or the right-of-way of a state highway. "Utility worker" means any employee or person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned, while in performance of his or her job duties**.

304.585. ENDANGERMENT OF A HIGHWAY WORKER DEFINED — FINE, POINTS ASSESSED — AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER, FINE, POINTS ASSESSED — OFFENSE NOT APPLICABLE IN ABSENCE OF WORKERS IN ZONE — NO CITATION OR CONVICTION, WHEN. — 1. A person shall be deemed to commit the offense of "endangerment of

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

a highway worker" upon conviction for any of the following when the offense occurs within a construction zone or work zone, as defined in section 304.580:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 4 of section 304.582;

(3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;

(5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or

(7) Committing any of the following offenses for which points may be assessed under section 302.302:

(a) Leaving the scene of an accident in violation of section 577.060;

(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

(c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;

(d) Operating with a suspended or revoked license;

(e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;

(f) Any felony involving the use of a motor vehicle.

2. Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker under subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than one thousand dollars and shall have four points assessed to his or her driver's license under section 302.302.

3. A person shall be deemed to commit the offense of "aggravated endangerment of a highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this section when such offense occurs in a construction zone or work zone as defined in section 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than five thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense resulted in death to a highway worker. In addition, such person shall have twelve points assessed to their driver's license under section 302.302 and shall be subject to the provisions of section 302.304 regarding the revocation of the person's license and driving privileges.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone.

5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from

mechanical failure of the person's vehicle or from the negligence of another person or a highway worker.

6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions contributed to his or her vehicle striking a highway worker within a designated construction zone or work zone where department of transportation guidelines involving notice and signage were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.

(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:

(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or

(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the work zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

a. Whether the person was involved in a physical accident where his or her vehicle struck a highway worker within a designated construction or work zone;

b. Whether the department of transportation guidelines involving notice and signage were properly implemented in such work zone; and

c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a highway worker.

If the court determines subparagraph a., b., or c. of this subdivison not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal

prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles.

304.894. OFFENSE OF ENDANGERMENT OF AN EMERGENCY RESPONDER, ELEMENTS — PENALTIES. — 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder within an active emergency zone where the appropriate visual markings for active emergency zones were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.

(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:

(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or

(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the emergency zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

a. Whether the person was involved in a physical accident where his or her vehicle struck an emergency responder within an active emergency zone;

b. Whether the guidelines involving notice and signage were properly implemented in such emergency zone; and

c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder.

If the court determines subparagraph a., b., or c. of this subdivison not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or

any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles.

307.350. MOTOR VEHICLES, BIENNIAL INSPECTION REQUIRED, EXCEPTIONS — AUTHORIZATION TO OPERATE INSPECTION STATION FOR INSPECTION AUTHORIZED — VIOLATION, PENALTY. — 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles **having less than one hundred fifty thousand miles**, for the **[**five-year**]** **ten-year** period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date, the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place

where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

Approved July 10, 2019

SCS SB 90

Enacts provisions relating to employment security.

AN ACT to repeal sections 288.040, 288.130, 288.160, and 288.245, RSMo, and to enact in lieu thereof five new sections relating to employment security.

SECTION

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

SECTION A. ENACTING CLAUSE. — Sections 288.040, 288.130, 288.160, and 288.245, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 288.040, 288.130, 288.160, 288.245, and 288.247, to read as follows:

288.040. ELIGIBILITY FOR BENEFITS — EXCEPTIONS — REPORT, CONTENTS. — 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. **Unless the deputy directs otherwise, a claimant shall make a minimum of three work search contacts during any week for which he or she claims benefits.** No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is

a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; however, upon application of the employer responsible for the claimant's unemployment, such eight-week period may be extended not to exceed a total of sixteen weeks at the discretion of the director;

(3) The claimant has reported to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

(a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; or

(c) The director of the division of employment security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting, or is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist.

Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report to the division's office;

(4) Prior to the first week of a period of total or partial unemployment for which the claimant claims benefits he or she has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. During calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become compensable once his or her remaining balance on the claim is equal to or less than the compensable amount for the waiting period. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which the claimant claims benefits;

(5) The claimant has made a claim for benefits within fourteen days from the last day of the week being claimed. The fourteen-day period may, for good cause, be extended to twenty-eight days;

(6) The claimant has reported to an employment office to participate in a reemployment assessment and reemployment services as directed by the deputy or designated staff of an employment office, unless the deputy determines that good cause exists for the claimant's failure to participate in such reemployment assessment and reemployment services. For purposes of this section, "reemployment services" may include, but not be limited to, the following:

(a) Providing an orientation to employment office services;

(b) Providing job search assistance; and

(c) Providing labor market statistics or analysis;

Ineligibility under this subdivision shall begin on the first day of the week which the claimant was scheduled to report for the reemployment assessment or reemployment services and shall end on

the last day of the week preceding the week during which the claimant does report in person to the employment office for such reemployment assessment or reemployment services;

(7) The claimant is participating in reemployment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

(a) The individual has completed such reemployment services; or

(b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he or she is or has been suspended by his or her most recent employer for misconduct connected with his or her work. Suspensions of four weeks or more shall be treated as discharges.

3. (1) Benefits based on "service in employment", described in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

(a) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms,

such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant to such federal law shall be deductible from the amount of benefits received pursuant to this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he or she has received or is seeking unemployment benefits pursuant to an unemployment insurance law of another state or the United States; provided, that if it be finally determined that the claimant is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

9. A claimant shall be ineligible for waiting week credit or benefits for any week such claimant has an outstanding penalty which was assessed based upon an overpayment of benefits, as provided for in subsection 9 of section 288.380.

10. The directors of the division of employment security and the division of workforce development shall submit to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

11. For purposes of this section, a claimant may satisfy reporting requirements provided under this section by reporting by internet communication or any other means deemed acceptable by the division of employment security.

288.130. EMPLOYER RECORDS — BENEFIT INFORMATION — LIABILITY DETERMINATION — FINAL WHEN — EXTENSION OF TIME PERIOD FOR CAUSE — RECONSIDERATION, WHEN. — 1. Each employing unit shall keep true and accurate payroll and other related records, containing such information as the division may by regulation prescribe for a period of at least three calendar years after the record was made. Such records shall be open to inspection and be subject to being copied by authorized representatives of the division at any reasonable time and as often as may be necessary. Any authorized person engaged in administering this law may require from any

employing unit any sworn or unsworn reports, with respect to individuals performing services for it, which are deemed necessary for the effective administration of this law.

2. All employers **[**required to report W-2 copy A information on magnetic media tape to the Social Security Administration pursuant to 26 CFR Section 301.6011-2, or successor regulations, are likewise required to**]** **with fifty or more workers shall** report quarterly wage information due pursuant to section 288.090 to the division **[**on magnetic tape or diskette**]** in **[**a**]** **an electronic** format prescribed by the division. **However, for good cause shown, the director may permit an employer with fifty or more workers to report quarterly wage information on a paper form approved by the division.**

3. Each employer shall post and maintain in places readily accessible to the employer's workers printed statements concerning benefit rights, claims for benefits and such other matters related to the administration of this law as the division may by regulation prescribe. Each employer shall supply to workers copies of any printed statements relating to claims for benefits when and as the division may by regulation prescribe. Such printed statements and other materials shall be supplied by the division without cost.

4. A deputy shall make an ex parte determination after investigation but without hearing with respect to any matter pertaining to the liability of an employing unit which does not involve a claimant. The deputy shall promptly notify any interested employing units of each such determination and the reason for it. The division shall grant a hearing before an appeals tribunal to any employing unit appealing from any such ex parte determination provided an appeal is filed in writing within thirty days following the date of notification or the mailing of such determination to the party's last known address. In the absence of an appeal any such determination shall become final at the expiration of a thirty-day period. The deputy may, however, at any time within a year from the date of the deputy's determination, for good cause, reconsider the determination and shall promptly notify all interested employing units of his amended determination and the reason for it.

5. The thirty-day period provided in subsection 4 of this section may, for good cause, be extended.

288.160. ASSESSMENT OF DELINQUENT CONTRIBUTIONS — LIMITATIONS — REFUSAL TO FILE, PENALTY. — 1. If any employer neglects or refuses to make a report as required by this **[**law**]** **chapter** the division shall make an estimate based on any information in its possession or that may come into its possession of the amount of wages paid by such employer for the period in respect to which the employer failed to make the report, and upon the basis of such estimated amount compute and assess the contributions and interest payable by such employer, adding to such sum a penalty as set forth in subsection 2 of this section. Promptly thereafter, the division shall give to such employer written notice of such estimated contributions, interest and penalties as so assessed, the notice to be served **[**personally or**]** by **[**registered**]** **certified** mail, directed to the last known **[**principal place of business**]** **address** of such employer **[**in this state or in any state in the event the employer has none in this state**]**.

2. If any employer neglects or refuses to file any required report by the last day of the month following the due date there shall be imposed a penalty, equal to the greater of one hundred dollars or ten percent of the contributions required to be shown on the report, for each month or fraction thereof during which such failure continues, provided, however, that the penalty shall not exceed the greater of two hundred dollars or twenty percent of the contributions in the aggregate.

3. In any case in which any contributions, interest or penalties imposed by this **[**law**]** **chapter** are not paid when due, it shall be the duty of the division, when the amount of contributions, interest or penalties is determined, either by the report of the employer or by such investigation as the

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division may make, to assess the contributions, interest and penalties so determined against such employer and to certify the amount of such contributions, interest and penalties and give such employer written notice, served **[**personally or**]** by **[**registered**]** **certified** mail, directed to the last known address of such employer **[**in this state or in any state, in the event the employer has none in this state**]**.

4. If fraud or evasion on the part of any employer is discovered by the division, the division shall determine the amount by which the state has been defrauded, shall add to the amount so determined a penalty equal to twenty-five percent thereof, and shall assess the same against the employer. The amount so assessed shall be immediately due and payable; provided, however, that the division shall promptly thereafter give to such employer written notice of such assessment.

5. Any employer against whom an assessment is made pursuant to the provisions of subsections 1, 2, 3 and 4 of this section may petition for reassessment. The petition for such reassessment shall be filed with the division during the thirty-day period following the **[**day of service or**]** mailing of the notice of such assessment. In the absence of the filing of such a petition for reassessment the assessment shall become final upon the expiration of such a thirty-day period. Each such petition for reassessment shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous.

6. (1) In any case in which any contributions, interest or penalties imposed by **[**law**]** **this chapter** are not paid when due, the notice of the assessment of such contributions, interest and penalties shall be served upon or mailed to the employer within three years of the date upon which the payment of the contributions was due except that in any case of fraud or misrepresentation on the part of the employer, the notice of the assessment of the contributions, interest and penalties may be served **[**upon or mailed**]** **by mail** to the **last known address of such** employer at any time.

(2) The giving of the notice of the making of the assessment shall toll any statute of limitations on the collection of any contributions, interest and penalties assessed.

(3) In the event any employer is entitled to the advantage of the Soldiers' and Sailors' Civil Relief Act of 1940, or any amendment thereto, prior to the date any assessment becomes final, such employer shall be permitted to file a petition for reassessment at any time within ninety days following such employer's discharge from the armed services.

(4) The certificate of assessment which, pursuant to the provisions of section 288.170, may be filed with the clerk of the circuit court shall, upon such filing, thereafter be treated in all respects as a final judgment of the circuit court against the employer and the general statute of limitations applying to other judgments of courts of record shall apply.

288.245. RECORDS OF DIVISION CONSTITUTE EVIDENCE OF DATE OF MAILING. — The records of the division shall constitute prima facie evidence of the date of mailing **or the date of electronic transmission** of any notice, determination or other paper mailed **or electronically transmitted** under this chapter.

288.247. ELECTRONIC DOCUMENT TRANSMISSION AND FILING REQUIREMENTS — INVESTIGATIONS OF PROTESTED ISSUES AND FRAUD, APPEALS DECIDED. — 1. Except as otherwise required by law, any notice, determination, decision, or other paper required to be mailed by the division to an employing unit or claimant under this chapter may be transmitted solely by electronic means to any employing unit or claimant, unless an alternative method of transmittal is requested by the employing unit or claimant. The date the division transmits such notice, determination, decision, or other paper shall be the date of mailing or notification.

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2. Any protest, notice of appeal, or other paper required to be filed with the division under this chapter may be filed by electronic means to the website specified by the division. The date and time of receipt shall be determined by the division's computer system.

3. Any function required to be performed by a representative of the division under this chapter may be performed by the computer or other automated means programmed and tested by a representative of the division, office of administration, or a vendor retained to perform such programming under the direction of the division or office of administration. However, any issue raised by an employer in a timely protest and any issue of fraud under section 288.380 shall be decided by a deputy of the division after investigation. Further, any appeal to a determination issued by the division or deputy shall be decided by an order or decision of an appeals referee after an opportunity for a fair hearing as provided in section 288.190.

Approved July 9, 2019

SCS SB 101

Enacts provisions relating to a statewide hearing aid distribution program.

AN ACT to amend chapter 209, RSMo, by adding thereto one new section relating to a statewide hearing aid distribution program.

SECTION

A. Enacting clause.

209.245 Financial assistance for obtaining hearing aids, program established — fund created — powers of commission.

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

SECTION A. ENACTING CLAUSE. — Chapter 209, RSMo, is amended by adding thereto one new section, to be known as section 209.245, to read as follows:

209.245. FINANCIAL ASSISTANCE FOR OBTAINING HEARING AIDS, PROGRAM ESTABLISHED — FUND CREATED — POWERS OF COMMISSION. — 1. Subject to appropriations, the Missouri commission for the deaf and hard of hearing shall establish a statewide hearing aid distribution program to provide financial assistance to allow individuals who are deaf or hard of hearing and whose household income is at or below the federal poverty level to obtain hearing aids. All assessment for need and distribution of hearing aids shall be performed by audiologists or hearing instrument specialists licensed under chapters 345 and 346 or physicians licensed under chapter 334.

2. There is hereby created in the state treasury the "Statewide Hearing Aid Distribution Fund", which shall consist of moneys collected under this section. The state treasurer shall be the custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

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The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Funding for the statewide hearing aid distribution program shall not be allocated from the assistive technology trust fund established under section 161.930 or the deaf relay service and equipment distribution program fund under section 209.258. The Missouri commission for the deaf and hard of hearing may accept gifts, donations, grants, and bequests from individuals, private organizations, foundations, or other sources for the purpose of establishment and operation of the statewide hearing aid distribution program.

3. The Missouri commission for the deaf and hard of hearing may promulgate rules to implement and administer the statewide hearing aid distribution program under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

4. The Missouri commission for the deaf and hard of hearing may enter into contracts as necessary to carry out the statewide hearing aid distribution program including, but not limited to, contracts with disability organizations.

Approved July 11, 2019

CCS HCS SB 133

Enacts provisions relating to agriculture, with penalty provisions and an emergency clause for a certain section.

AN ACT to repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-four new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

SECTION

A.	Enacting clause.
64.002	Sawmill or planing mill included in agricultural or horticultural classification.
65.702	Sawmill or planing mill included in agricultural or horticultural classification.
89.020	Powers of municipal legislative body — group homes, classification, standards, restrictions — enforcement of zoning beyond lake shorelines, when, how — foster homes, classifications of — certain municipalities may adopt county zoning regulations.
195.740	Definitions.
195.743	Industrial hemp agricultural pilot program created — department regulation.
195.746	Registration and permits, requirements — application, contents — issuance, when.
195.749	Registration and permit, revocation, refusal to issue, refusal to renew, when — penalty, amount.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

195.752 Administrative fine, when, amount.
195.755 Grower may retain seed, when.
195.756 Pesticides and agricultural chemicals, use of — limitations on liability.
195.758 Monitoring system, recordkeeping requirements — inspections, when — destruction of crop, when — aerial surveillance — coordination with local law enforcement.
195.764 Fees, amount, use of — fund created.
195.767 Research and study of industrial hemp by institutions of higher education permitted, registration and permit not required.
195.770 Industrial hemp seed, certification program authorized — heritage seed development authorized.
196.352 Civil penalty authorized, when.
261.140 Fees, work group to convene to review, when — report.
264.061 Movement permit required, when — form — issuance — fee — verbal authorization.
266.031 Permits required, fees, terms — penalty for late application.
266.165 License required to manufacture or distribute commercial feed, application form, fee, late fee — rules authorized — license suspension, revocation or refusal — independent consultants, how regulated, penalties.
266.190 Inspection fees, exemptions — fee, how computed — report, when due — penalty for failure to make.
280.005 Law, how cited.
280.010 Definitions.
280.020 Treated timber products sold to meet standards.
280.030 License required for treated timber producer.
280.035 Licenses required for treated timber dealer — fee.
280.037 Dealer's license application, content.
280.038 License not transferable — posting — license year — fees, purpose, deposit — late renewal, penalty.
280.040 Suspension or revocation of license — notice and hearing.
280.050 Standards for wood preservatives — rules and regulations, procedure.
280.060 Statement as to treatment and effect to be filed.
280.070 Timber products to be branded — registration of brand.
280.080 Invoice on shipments, contents.
280.090 Inspection — right of entry — search warrant to issue, when.
280.095 Stop-sale — stop-use — removal orders — hearing — seizure — condemnation.
280.100 Condemnation — warning required — venue.
280.110 Disposition of condemned property — civil penalty.
280.120 Exceptions — law not applicable.
280.130 Violation — class B misdemeanor.
280.140 Injunction — violations.
281.035 Certified commercial applicator's license required when, annual fee — application for license, how made — examinations — records to be kept — incapacity of sole certified applicator, effect of.
281.037 Certified noncommercial applicator's license, when required — application for certified noncommercial applicator's license, examination, fee — scope of license — records to be kept.
281.038 Determination of need for use of pesticide, who may make — pesticide technician's license, application, requirements, fee.
281.050 Pesticide dealer's license required, fee, qualifications — grounds for suspension or revocation — restricted use of pesticides, sale or transfer, to whom, exception — records to be kept — change of address, notice of.
281.260 Registration of pesticides — renewal — fees — powers of director — cancellation of registration on notice and hearing — experimental use permit issued when — revocation.
281.265 Pesticide education fund created, use of moneys.
B. Emergency clause.

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

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION A. ENACTING CLAUSE. — Sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 64.002, 65.702, 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 196.352, 261.140, 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, 281.260, and 281.265, to read as follows:

64.002. SAWMILL OR PLANING MILL INCLUDED IN AGRICULTURAL OR HORTICULTURAL CLASSIFICATION. — For purposes of a zoning law, ordinance, or code authorized and enacted under this chapter, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.

65.702. SAWMILL OR PLANING MILL INCLUDED IN AGRICULTURAL OR HORTICULTURAL CLASSIFICATION. — For purposes of a zoning law, ordinance, or code authorized and enacted under sections 65.650 to 65.700, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.

89.020. POWERS OF MUNICIPAL LEGISLATIVE BODY — GROUP HOMES, CLASSIFICATION, STANDARDS, RESTRICTIONS — ENFORCEMENT OF ZONING BEYOND LAKE SHORELINES, WHEN, HOW — FOSTER HOMES, CLASSIFICATIONS OF — CERTAIN MUNICIPALITIES MAY ADOPT COUNTY ZONING REGULATIONS. — 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as described in this section from and after September 28, 1985.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns **[**and**], or** villages.

5. Should a single family dwelling or single family residence as **[**defined**]** **described** in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the children's division or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the children's division, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations.

8. For purposes of any zoning law, ordinance, or code authorized and enacted under this section, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.

195.740. DEFINITIONS. — For the purposes of sections 195.740 to 195.773, the following terms shall mean:

(1) **"Agricultural hemp propagule", any viable nonseed plant material used to cultivate industrial hemp including, but not limited to, transplants, cuttings, and clones;**

(2) "Agricultural hemp seed", Cannabis sativa L. seed that meets any labeling, quality, or other standards set by the department of agriculture and that is intended for sale, is sold to, or is purchased by registered **[**growers**]** **producers** for planting;

[(2)**]** **(3)** "Crop", industrial hemp grown under a single registration;

[(3)**]** **(4)** "Department", the Missouri department of agriculture;

[(4) "Grain", Cannabis sativa L. seed used to make an industrial hemp commodity or product;**]**

(5) **[**"Grower", a person, joint venture, or cooperative who is a Missouri resident or an entity that is domiciled in this state that produces industrial hemp;

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(6) "Handler", a person, joint venture, or cooperative who is a Missouri resident or an entity that is domiciled in this state that receives industrial hemp for processing into commodities, products, feed, or agricultural hemp seed;

(7)**] "Indoor cultivation facility", any greenhouse or enclosed building or structure capable of continuous cultivation throughout the year that is not a residential building;**

(6) "Industrial hemp plant monitoring system", a reporting system that includes, but is not limited to, testing, transfer reports, and data collection maintained by a **[**grower or handler**] producer or agricultural hemp propagule and seed permit holder** and available to the department for purposes of monitoring **viable [**agricultural hemp seed and**]** industrial hemp cultivated as an agricultural product from planting to final **[**packaging**] sale or transfer as a publicly marketable hemp product;**

(7) "Nonviable", plant material or agricultural hemp seed that is not capable of living or growing;

(8) "Produce", the cultivation and harvest of viable industrial hemp;

(9) "Producer", a person who is a Missouri resident, or an entity that is domiciled in this state, who grows or produces viable industrial hemp;

(10) "Publicly marketable product", any nonviable hemp material, including seed, stem, root, leaf, or floral material, that contains no material with a delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent on a dry weight basis.

195.743. INDUSTRIAL HEMP AGRICULTURAL PILOT PROGRAM CREATED — DEPARTMENT REGULATION. — [1. There is hereby created an "Industrial Hemp Agricultural Pilot Program", in accordance with federal law, to be implemented by the department to study the growth, cultivation, processing, feeding, and marketing of industrial hemp.

2.**] Viable** industrial hemp shall be an agricultural product that is subject to regulation by the department, including compliance with an industrial hemp plant monitoring system.

195.746. REGISTRATION AND PERMITS, REQUIREMENTS — APPLICATION, CONTENTS — ISSUANCE, WHEN. — 1. Any **[**grower or handler**] producer** of industrial hemp shall obtain a registration from the department. **[**Growers and handlers engaged in the production of agricultural hemp seed shall obtain an agricultural hemp seed production permit. An agricultural hemp seed production permit shall authorize a grower or handler to produce and handle agricultural hemp seed for sale to registered industrial hemp growers and handlers. The department shall make information that identifies sellers of agricultural hemp seed available to growers, and any seller**] Any producer** of agricultural hemp **[**seed**]** shall ensure that **[**the**] all agricultural hemp propagules and agricultural hemp** seed **[**complies**] comply** with any standards established by the department.

2. **Any person who sells, distributes, or offers for sale any agricultural hemp propagule or agricultural hemp seed in the state shall obtain an agricultural hemp propagule and seed permit from the department. An agricultural hemp propagule and seed permit shall authorize a permit holder to sell, distribute, or offer for sale agricultural hemp propagules or agricultural hemp seed to registered producers or other permit holders. A permit holder is exempt from requirements in chapter 266 if he or she only sells, distributes, or offers for sale agricultural hemp propagules or agricultural hemp seed.**

3. An application for an industrial hemp registration or agricultural hemp **propagule and** seed **[**production**]** permit shall include:

(1) The name and address of the applicant;

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(2) The name and address of the industrial hemp or agricultural hemp **propagule or** seed operation;

(3) **For any industrial hemp registration,** the global positioning system coordinates and legal description for the property used for the industrial hemp **[**or agricultural hemp seed**]** operation;

(4) The application fee, as determined by the department, in an amount sufficient to cover the administration, regulation, and enforcement costs associated with sections 195.740 to 195.773; and

(5) Any other information the department deems necessary.

[3.**]** **4.** The department shall issue a registration **[**or permit**]** under this section to an applicant who meets the requirements of this section and section 195.749**[**,**]** **and** who satisfactorily completes a state and federal fingerprint criminal history background check under section 43.543**[**, who signs an acknowledgment that industrial hemp is an experimental crop, and who signs a waiver that holds the department harmless in the event a lawsuit occurs or if the growth, cultivation, processing, feeding, or marketing of industrial hemp or seed is later declared illegal under federal law**]**. The department may charge an applicant an additional fee for the cost of the fingerprint criminal history background check in addition to the registration **[**or permit**]** fee. **If required by federal law, the department shall require an applicant for an agricultural hemp propagule and seed permit to comply with the fingerprint criminal history background check requirements of this subsection.**

[4.**]** **5.** Upon issuance of a registration or permit, information regarding all **[**registration**]** **producers** and permit holders shall be forwarded to the Missouri state highway patrol.

[5.**]** **6.** An industrial hemp registration or agricultural hemp **propagule and** seed **[**production**]** permit is:

(1) Nontransferable, except such registration or permit may be transferred to a **[**spouse or child**]** **person** who otherwise meets the requirements of a registrant or **[**permittee**]** **permit holder**, and the **[**spouse or child**]** **person** may operate under the existing registration or permit until the registration or permit expires, at which time the renewal shall reflect the change of the registrant or **[**permittee**]** **permit holder**;

(2) Valid for a three-year term unless revoked by the department; and

(3) Renewable as determined by the department**, if the registrant or permit holder is found to be in good standing**.

7. Each individual parcel of ground or indoor cultivation facility with a separate legal description shall be required to obtain a separate registration unless the parcels are contiguous and owned by the same person of record.

195.749. REGISTRATION AND PERMIT, REVOCATION, REFUSAL TO ISSUE, REFUSAL TO RENEW, WHEN — PENALTY, AMOUNT. — 1. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp **propagule and** seed **[**production**]** permit and may impose a civil penalty of not less than **[**two thousand**]** five hundred dollars or more than fifty thousand dollars for violation of:

(1) A registration or permit requirement, term, or condition;

(2) Department rules relating to **[**growing or handling**]** **the production of** industrial hemp **or an agricultural hemp propagule and seed permit**;

(3) Any industrial hemp plant monitoring system requirement; or

(4) A final order of the department that is specifically directed to the **[**grower's or handler's**]** **producer or permit holder's** industrial hemp operations or activities.

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2. A registration or permit shall not be issued to a person who in the **[**five**]** **ten** years immediately preceding the application date has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance.

3. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp **propagule and** seed **[**production**]** permit for failing to comply with any provision of this chapter, or for a violation of any department rule relating to agricultural operations or activities other than industrial hemp **[**growing or handling**]** **production**.

[4. The department shall refuse to issue an industrial hemp registration or agricultural hemp seed permit to any applicant if approving such registration or permit would authorize the growth or cultivation of industrial hemp or agricultural hemp seed on a plot of land that is less than ten acres or more than forty acres by any single registrant or permittee, or over two thousand acres of land statewide among all registrants or permittees, notwithstanding the twenty-acre limitation for institutions of higher education set forth in section 195.767.**]**

195.752. ADMINISTRATIVE FINE, WHEN, AMOUNT. — 1. Any person **[**growing**]** **producing** industrial hemp who does not have a valid industrial hemp registration issued under section 195.746 **[**shall**]** **may** be subject to an administrative fine of five hundred dollars and **[**shall obtain a valid registration to grow industrial hemp within thirty days. If, during the thirty-day period, such person applies for and receives an industrial hemp registration, the amount of the fine imposed under this section shall be refunded in full. If, during the thirty-day period described in this section, such person fails to obtain an industrial hemp registration, the person shall**]** **may** be fined one thousand dollars per day until such person **[**obtains a registration. After thirty days of failing to obtain an industrial hemp registration and an accumulation of administrative fines exceeding thirty days, such person shall destroy**]** **destroys** the industrial hemp crop. The Missouri state highway patrol shall certify such destruction to the department.

2. Any person selling, distributing, or offering for sale any agricultural hemp propagule or agricultural hemp seed in the state who does not have a valid agricultural hemp propagule and seed permit issued under section 195.746 may be subject to an administrative fine of five hundred dollars and may be fined one thousand dollars per day until such person obtains a valid permit.

195.756. PESTICIDES AND AGRICULTURAL CHEMICALS, USE OF — LIMITATIONS ON LIABILITY. — Notwithstanding sections 281.050 and 281.101 to the contrary, in the **[**growing and handling**]** **production** of industrial hemp consistent with sections 195.740 to 195.773, no retailer of pesticides as defined in 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the sale, application, or handling of such products by a producer or applicator in any manner or for any purpose not approved by applicable state and federal agencies. No producer or applicator may use or apply pesticides or agricultural chemicals in the growing or handling of industrial hemp except as approved by state and federal law.

195.758. MONITORING SYSTEM, RECORDKEEPING REQUIREMENTS — INSPECTIONS, WHEN — DESTRUCTION OF CROP, WHEN — AERIAL SURVEILLANCE — COORDINATION WITH LOCAL LAW ENFORCEMENT. — 1. Every **[**grower or handler**]** **producer or permit holder** shall be subject to an industrial hemp plant monitoring system and shall keep industrial hemp crop and agricultural hemp **propagule and** seed records as required by the department. **[**Upon three days'

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notice,**]** The department may require an inspection or audit during any normal business hours for the purpose of ensuring compliance with:

(1) Any provision of sections 195.740 to 195.773;

(2) Department rules and regulations;

(3) Industrial hemp registration or agricultural hemp **propagule and** seed **[**production**]** permit requirements, terms, or conditions;

(4) Any industrial hemp plant monitoring system requirement; or

(5) A final department order directed to the **[**grower's or handler's**] producer or permit holder's** industrial hemp or agricultural hemp **propagule and** seed operations or activities.

2. In addition to any inspection conducted under subsection 1 of this section, the department may inspect any industrial hemp crop during the crop's growth phase and take a representative sample for field analysis. If a crop contains an average delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum concentration allowed under federal law, whichever is greater, on a dry weight basis, the department may **retest the crop. If the second test indicates that a crop contains an average delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum concentration allowed under federal law, whichever is greater, on a dry weight basis, the department may** order any **[**grower or handler**] producer** to destroy the crop.

3. If such crop is not destroyed within fifteen days of the **[**grower or handler**] producer** being notified by the department by certified mail that the crop contains concentrations exceeding those set forth in subsection 2 of this section, and directing the **[**grower or handler**] producer** to destroy the crop, such **[**grower or handler**] producer** shall be subject to a fine of five thousand dollars per day until such crop is destroyed. **[**Such fine shall be in addition to any criminal liability the grower or handler may incur, except that**]** No such penalty or fine shall be imposed prior to the expiration of the fifteen-day notification period.

4. The Missouri state highway patrol may**, at its own expense,** perform aerial surveillance to ensure illegal industrial hemp **[**or marijuana**]** plants are not being cultivated on or near legal, registered industrial hemp plantings.

5. The Missouri state highway patrol may coordinate with local law enforcement agencies to certify the destruction of illegal industrial hemp **[**and marijuana**]** plants.

6. The department shall notify the Missouri state highway patrol and local law enforcement agencies of the need to certify that a crop of industrial hemp deemed illegal through field analysis has been destroyed.

7. Unless required by federal law, the department shall not regulate the sale or transfer of nonviable hemp including, but not limited to, stripped stalks, fiber, dried roots, nonviable leaf material, nonviable floral material, nonviable seeds, seed oils, floral and plant extracts, unadulterated forage, and other marketable agricultural hemp products to members of the general public both within and outside the state.

195.764. FEES, AMOUNT, USE OF — FUND CREATED. — 1. The department may charge **[**growers and handlers**] producers and permit holders** reasonable fees as determined by the department for the purposes of administering sections 195.740 to 195.773. Fees charged for purposes of administering sections 195.740 to 195.773 shall only be used to administer such sections, and shall not provide additional revenue for the department to use to administer any other program or provide staff to the department for any other program. All fees collected under sections 195.740 to 195.773 shall be deposited in the industrial hemp fund created under this section for use by the department to administer sections 195.740 to 195.773.

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2. There is hereby created in the state treasury the "Industrial Hemp Fund", which shall consist of **any grants, gifts, donations, bequests, or** money collected under sections 195.740 to 195.773. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of agriculture for the purpose of administering such sections, including reimbursing the Missouri state highway patrol for the enforcement of such sections. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

195.767. RESEARCH AND STUDY OF INDUSTRIAL HEMP BY INSTITUTIONS OF HIGHER EDUCATION PERMITTED, REGISTRATION AND PERMIT NOT REQUIRED. — [1.**]** An institution of higher education may **[**, in collaboration with the department,**]** engage in the **research and** study of the growth, cultivation, or marketing of industrial hemp **[**and agricultural hemp seed**] as authorized by Section 7606 of the federal Agricultural Act of 2014, Pub. L. 113-79, or any successor law**. Institutions **[**for**] of** higher education shall **not be required to** obtain a registration for the **[**growth**] production** of industrial hemp**[**, or a permit for the growth and handling of agricultural hemp seed,**]** from the department as set forth in sections 195.746 and 195.749.

[2. The department shall refuse to issue an industrial hemp registration or agricultural hemp seed permit to any institution of higher education if approving such registration or permit would authorize the growth or cultivation of industrial hemp or agricultural hemp seed by institutions of higher education on over twenty acres of land statewide, notwithstanding the two thousand-acre limitation set forth in section 195.749. Notwithstanding subsection 4 of section 195.749 to the contrary, the department may issue a registration or permit to an institution of higher education for the growth or cultivation of industrial hemp or agricultural hemp seed on a plot of land that is less than ten acres.**]**

196.352. CIVIL PENALTY AUTHORIZED, WHEN. — In addition to the penalties and remedies provided in sections 196.311 to 196.361, if the director determines, after inquiry and opportunity for a hearing, that any individual is in violation of any provision of sections 196.311 to 196.361 or any regulation promulgated thereunder, the director shall have the authority to assess a civil penalty of not more than five hundred dollars for each violation and not more than five hundred dollars for each day such violation continues. Any individual aggrieved by any act of the director under this section may appeal according to the provisions of chapter 621.

261.140. FEES, WORK GROUP TO CONVENE TO REVIEW, WHEN — REPORT. — 1. The department of agriculture shall convene a work group every five years to review all fees charged by the department. The review shall include both fees set by statute and fees set by regulation.

2. After each review required under this section, the department of agriculture shall prepare and submit a report to the general assembly on any recommended changes to the fees that would ensure adequate funding for the department.

264.061. MOVEMENT PERMIT REQUIRED, WHEN — FORM — ISSUANCE — FEE — VERBAL AUTHORIZATION. — 1. It is unlawful to move, carry, transport or ship bees, combs or used beekeeping equipment into the state of Missouri unless accompanied by a valid permit issued by

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the director of the department of agriculture. Applications for permit to transport bees or used beekeeping equipment into the state shall be submitted on a form approved by the director. This application form must be accompanied by a certificate of health, issued by the authorized official of the state from which the bees are to be moved, certifying that the bees and used beekeeping equipment have been inspected by an approved inspector, during a period of active brood rearing, within ninety days prior to the proposed date of movement, and that such bees and used beekeeping equipment were found apparently free from any diseases or pests. Each application shall disclose the number of colonies of bees to be transported and a description of the location or locations where said bees are to be kept. Upon receipt of an application for a permit to move bees or used beekeeping equipment into the state, accompanied by a proper certificate of health and an application fee of **[**five**]** **ten** dollars per application, the director shall issue the desired permit. This shall not apply to honey bees from quarantined areas outside the state of Missouri. These quarantines shall include all federal, state or Missouri exterior quarantines. Importation of honey bees from quarantined areas shall be in accordance with the rules made pursuant to this chapter.

2. Regardless of the above provisions of this section, the director shall have the authority to issue a permit without inspection to the person or persons owning such bees and equipment if he **or she** is satisfied that such bees and equipment were certified and moved from the state of Missouri within ninety days prior to the desired date of reentry and have not been exposed to diseased or pest infected bees or equipment.

3. A verbal authorization may be allowed by the Missouri director if the written permit outlined above has been requested but has not been received by the time that the bees are to be moved.

4. Combless packages of bees or queens, or both, are admitted into Missouri, without a Missouri permit, when accompanied by a valid certificate of inspection from the state of origin stating they are free of diseases and pests. This shall not apply to honey bees from quarantined areas outside the state of Missouri. These quarantines shall include all federal, state or Missouri exterior quarantines. Importation of honey bees from quarantined areas shall be in accordance with the rules made pursuant to this chapter.

266.031. PERMITS REQUIRED, FEES, TERMS — PENALTY FOR LATE APPLICATION. — 1. Any person who sells, distributes, offers or exposes for sale any agricultural or vegetable seed in the state of Missouri shall obtain a seed permit from the director of agriculture unless exempted as in section 266.080. Seed dealers must purchase permits for each seed sales classification performed, selling or taking orders for seed from other than an established place of business, selling seed from a retail place of business, selling seed from a wholesale place of business, or negotiating sales as a broker. A separate permit shall be required for each place of business from which seed regulated by this law is sold. A separate permit shall also be required of each person selling or taking orders for seed from other than an established place of business. Seed permit fees will be assessed as follows:

(1) Place of business selling vegetable seed packets of one pound or less or lawn seed packages to the end user **[**$5.00**]** **$20.00**

(2) Person that sells only labeled seed grown on their own property **[**$5.00**]** **$20.00**

(3) Retail place of business or person not otherwise identified that sells or offers for sale agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and which does not provide storage facilities **[**$5.00**]** **$20.00**

(4) Retail place of business or person not otherwise identified that sells or offers for sale agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and

which provides storage facilities. A permit to sell agricultural or bulk vegetable seed will suffice for selling seed as listed in (1) and (2) **[**$15.00**] $60.00**

(5) Wholesale place of business selling labeled seed for resale, or negotiating sales as a seed broker **[**$100.00**] $400.00**

2. Farmers and seed producers shall be classed as seedsmen and must comply with all the provisions of sections 266.011 to 266.111 when the farmers or seed producers:

(1) Offer, sell or expose for sale seed not of their own production;

(2) Sell and deliver seed to a purchaser by way of common carrier;

(3) Sell seed by any public sales service;

(4) Advertise or label seed referring to the purity or germination.

3. No permit is transferable. All persons holding a Missouri seed permit shall post the permit in a conspicuous place in the place of business to which it applies. The licensing year shall be twelve months, or any fraction thereof, beginning on January first and ending December thirty-first. All permit fees shall be paid to the Missouri department of agriculture and shall be deposited in the state treasury **to the credit of the agriculture protection fund created in section 261.200**.

4. If the application for renewal of any seed permit is not filed prior to expiration date in any year, a penalty of fifty percent shall be assessed and added to the original fee and shall be paid by the applicant before that renewal license shall be issued; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he **or she** has not engaged in selling, distributing, offering or exposing seed for sale, subsequent to the expiration date of his **or her** license.

266.165. LICENSE REQUIRED TO MANUFACTURE OR DISTRIBUTE COMMERCIAL FEED, APPLICATION FORM, FEE, LATE FEE — RULES AUTHORIZED — LICENSE SUSPENSION, REVOCATION OR REFUSAL — INDEPENDENT CONSULTANTS, HOW REGULATED, PENALTIES. — 1. Any person who manufactures a commercial feed within the state, or who distributes a commercial feed in or into the state, or whose name appears on the label of a commercial feed as guarantor, or any person who acts as an independent consultant shall obtain a license for each facility authorizing such person to manufacture or distribute commercial feed or act as an independent consultant in the formulation of feeds before such person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under sections 266.152 to 266.220 is not required to obtain a license. Any person who acts as an independent consultant shall also obtain such a license. Any person who is required to obtain such a license shall submit an application on a form provided or approved by the state department of agriculture accompanied by a license fee of **[**twenty-five**] thirty-five** dollars and specified by rule promulgated pursuant to section 266.195. The license year shall be July first through June thirtieth. Each license shall expire on the thirtieth day of June of the year for which it is issued; provided that any license shall be valid through July thirty-first of the next ensuing year or until the issuance of the renewal license, whichever event first occurs, if the holder of such license has filed a renewal application with the state on or before June thirtieth of the year for which the current license was issued. Any new applicant who fails to obtain a license within fifteen working days of notification of the requirement to obtain a license, or any licensee who fails to comply with license renewal requirements, shall pay a twenty-five dollar late fee in addition to the license fee.

2. The license application shall be established by rules adopted by the state department of agriculture.

3. The state, under conditions specified by rule, may request copies of labels and labeling at any time from a license applicant or licensee in order to determine compliance with the provisions of sections 266.152 to 266.220.

4. The state may refuse to issue a license to any person not in compliance with the provisions of sections 266.152 to 266.220. The department may suspend or revoke any license issued to any person found not to be in compliance with any provision of sections 266.152 to 266.220. The director of the department of agriculture may place conditions that limit production or distribution of a particular commercial feed on the license of any person not found to be in compliance with sections 266.152 to 266.220. No license shall be conditionalized, suspended, refused or revoked unless the applicant or licensee shall first be given an opportunity to be heard before the director or a hearing officer designated by the director in order to comply with the requirements of sections 266.152 to 266.220.

5. The state, under conditions specified by rule, may require independent consultants formulating consultant-formula feeds to furnish signed copies of their formulations and specifications along with directions for use and appropriate warning statements to the manufacturer and end user of the product. Consultant recommendations found to be inadequate are subject to all the penalties as described in section 266.210.

266.190. INSPECTION FEES, EXEMPTIONS — FEE, HOW COMPUTED — REPORT, WHEN DUE — PENALTY FOR FAILURE TO MAKE. — 1. An inspection fee at the rate of **[**ten**]** **fourteen** cents per ton shall be paid on commercial feeds distributed in this state by the person whose name appears on the label as the manufacturer, guarantor or distributor, except that a person other than the first manufacturer, guarantor or distributor may assume liability for the inspection fee, subject to the following:

(1) Assumption of liability for the payment of fees must be established by requesting to be put on deferment list with the director;

(2) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor;

(3) No fee shall be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as ingredients therein;

(4) No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of commercial feeds. If the fee has already been paid, credit shall be given for such payment;

(5) In the case of pet food which is distributed in the state only in packages of ten pounds or less, **[**an annual fee of twenty-five dollars and**]** a listing of each product must be submitted annually on forms provided by the director and accompanied by **[**the**]** **an annual** payment of **[**twenty-five**]** **ninety** dollars per product **or, in the case of a person whose total amount of gross annual sales does not exceed five thousand dollars, twenty-five dollars per product,** which shall be paid in lieu of the inspection fee specified above. Payment is required by January first of each year. Payments not received until after January thirty-first are subject to a late fee of fifty percent of the payment due. The inspection fee required by subsection 1 of this section shall apply to pet food distributed in packages exceeding ten pounds. The assessment of these penalty fees shall not prevent the director from taking other actions as provided in this chapter**. The department of agriculture may promulgate rules to allow for the review of records of persons claiming gross annual sales not exceeding five thousand dollars in order to ensure that they qualify for the reduced payment. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

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section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;

(6) The minimum inspection fee shall be five dollars per quarter;

(7) In the case of specialty pet food which is distributed in the state only in packages of one pound or less, a listing of each product shall be submitted annually on forms provided by the director and accompanied by payment of **[**twenty-five**]** **ninety** dollars per product **[**up to a maximum annual fee of one thousand dollars per manufacturer**]** in lieu of an inspection fee. Payment is required by January first of each year. Payments not received until after January thirty-first are subject to a late fee of fifty percent of the payment due. The inspection fee required by subsection 1 of this section shall apply to specialty pet food distributed in packages exceeding one pound. The assessment of these penalty fees shall not prevent the director from taking other actions as provided in this chapter.

2. Each person who is liable for the payment of such fee shall:

(1) File, not later than the last day of January, April, July and October of each year, a quarterly tonnage report, setting forth the number of net tons of commercial feeds distributed in this state during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in subsection 1 of this section. Inspection fees which are due and owing and have not been remitted to the director within fifteen days following the due date shall have a penalty fee of twenty percent of the amount due, or five dollars, whichever is greater, added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the director from taking other actions as provided in this chapter;

(2) Keep such records as may be necessary or required by the director to indicate accurately the tonnage of commercial feed distributed in this state. The director shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply with the requirements of this subdivision may constitute sufficient cause for the cancellation of the company's license.

3. Fees collected shall constitute a fund for the payment of the costs of inspection, sampling, analysis, and other expenses necessary for the administration of sections 266.152 to 266.220 and shall be deposited in the state treasury **[**and credited to the general revenue fund**]** **to the credit of the agriculture protection fund created in section 261.200**.

281.035. CERTIFIED COMMERCIAL APPLICATOR'S LICENSE REQUIRED WHEN, ANNUAL FEE — APPLICATION FOR LICENSE, HOW MADE — EXAMINATIONS — RECORDS TO BE KEPT — INCAPACITY OF SOLE CERTIFIED APPLICATOR, EFFECT OF. — 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of or use any pesticide for any particular purpose unless he **or she** has demonstrated his **or her** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of **[**fifty**]** **sixty-five** dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any pesticide on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such

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categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a pesticide by an individual operating under his **or her** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten working days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. Application for a certified commercial applicator's license shall be made in writing to the director on a designated form obtained from the director's office. Each application shall include such information as prescribed by the director by regulation.

3. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director his **or her** competence and knowledge of the proper use of pesticides under the classifications he **or she** had applied for, and his **or her** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

4. The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, subject to reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

5. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which he **or she** is qualified, which shall expire one year from date of issuance unless it has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case said license shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

6. The director shall require each certified commercial applicator or his **or her** employer to maintain records with respect to applications of any pesticide. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or his **or her** employer.

7. A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of his **or her** sole certified commercial applicator by reason of death, illness, incapacity or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of his **or her** sole certified commercial applicator.

8. Every certified commercial applicator shall display his **or her** license in a prominent place at the site, location or office from which he **or she** will operate as a certified commercial applicator; that place, location or office being at the address printed on the license.

9. Every certified commercial applicator who changes the address from which he **or she** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. CERTIFIED NONCOMMERCIAL APPLICATOR'S LICENSE, WHEN REQUIRED — APPLICATION FOR CERTIFIED NONCOMMERCIAL APPLICATOR'S LICENSE, EXAMINATION, FEE — SCOPE OF LICENSE — RECORDS TO BE KEPT. — 1. Any individual who is not certified pursuant to section 281.035, 281.040 or 281.045, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040 shall not use, or supervise the use of, any restricted use pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless he **or she** has demonstrated his **or her** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. Application for a certified noncommercial applicator license shall be made in writing to the director on a designated form obtained from the director's office. Each application shall include such information as prescribed by the director by regulation.

3. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director his **or her** competence and knowledge of the proper use of pesticides under the classifications for which he **or she** has applied, and his **or her** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

4. If the director finds the applicant qualified to use restricted use pesticides in the classification for which he **or she** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which he **or she** is certified. The license shall expire one year from the date of issuance unless it has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

5. The director may renew any certified noncommercial applicator license under the classification for which the license is issued subject to reexamination for additional knowledge which may be required to apply pesticides safely and properly.

6. The director shall collect a fee of **[**twenty-five**]** **thirty-five** dollars for each certified noncommercial applicator license issued.

7. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by himself **or herself** or his **or her** employer.

8. The director shall require the certified noncommercial applicator or his **or her** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or his **or her** employer.

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9. Every certified noncommercial applicator shall display his **or her** license in a prominent place at the site, location or office from which he **or she** will operate as a certified noncommercial applicator; that place, location or office being at the address printed on the license.

10. Every certified noncommercial applicator who changes the address from which he **or she** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. DETERMINATION OF NEED FOR USE OF PESTICIDE, WHO MAY MAKE — PESTICIDE TECHNICIAN'S LICENSE, APPLICATION, REQUIREMENTS, FEE. — 1. After July 1, 1990, no individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of any pesticide nor use any pesticide in categories as specified by regulation, unless and until the individual has met the requirements of this chapter.

2. Application for a pesticide technician's license shall be made in writing to the director on a designated form obtained from the director's office. Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated his **or her** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of **[**twenty-five**]** **thirty-five** dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which he **or she** is qualified, which shall expire one year from date of issuance unless it has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

281.050. PESTICIDE DEALER'S LICENSE REQUIRED, FEE, QUALIFICATIONS — GROUNDS FOR SUSPENSION OR REVOCATION — RESTRICTED USE OF PESTICIDES, SALE OR TRANSFER, TO WHOM, EXCEPTION — RECORDS TO BE KEPT — CHANGE OF ADDRESS, NOTICE OF. — 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless he **or she** has obtained a license from the director which shall expire one year from date of issuance. An individual shall be required to obtain a license for each location or outlet from which such pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators.

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the director's office. The director shall collect a fee of **[**twenty-five**]** **thirty-five** dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator

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who sells pesticides only as an integral part of his **or her** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency which provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to his **or her** knowledge of the laws and regulations governing the use and sale of pesticides and his **or her** responsibility in carrying on the business of a pesticide dealer. Each licensed pesticide dealer shall be responsible for insuring that all of his **or her** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by him **or her** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away or otherwise make available any restricted use pesticides to anyone but certified applicators or operators, or to private applicators who have met the requirements of subsection 5 of section 281.040, or to other pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or his **or her** employer, to maintain books and records with respect to sales of restricted use pesticides. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or his **or her** employer.

7. Every licensed pesticide dealer who changes his **or her** address or place of business shall immediately notify the director.

281.260. REGISTRATION OF PESTICIDES — RENEWAL — FEES — POWERS OF DIRECTOR — CANCELLATION OF REGISTRATION ON NOTICE AND HEARING — EXPERIMENTAL USE PERMIT ISSUED WHEN — REVOCATION. — 1. Every pesticide which is distributed, sold, offered for sale or held for sale within this state, or which is delivered for transportation or transported in intrastate commerce or between points within this state through any point outside of this state, shall be registered in the office of the director, and the registration shall be renewed annually.

2. The registrant shall file with the director a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) The name of the pesticide;

(3) Classification of the pesticide; and

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

3. The registrant shall pay an annual fee of **[**one**]** **two** hundred **[**fifty**]** dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the agriculture protection fund created in section 261.200 to be used solely to

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administer the pest and pesticide programs of the department of agriculture. **The director may deposit up to seven percent of the fee in the pesticide education fund under section 281.265.** If the funding exceeds the reasonable costs to administer the programs as set forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the pest and pesticide programs of the department of agriculture. All such registrations shall expire on December thirty-first of any one year, unless sooner cancelled. A registration for a special local need pursuant to subsection 6 of this section, which is disapproved by the federal government, shall expire on the effective date of the disapproval.

4. Any registration approved by the director and in effect on the thirty-first day of December for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied, in accord with the provisions of subsection **[**8**]** **9** of this section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the expiration date.

5. If the renewal of a pesticide registration is not filed prior to January first of any one year, an additional fee of fifty dollars shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued; provided, that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry. The fee shall be credited to the agriculture protection fund created under section 261.200 to be used solely to administer the pest and pesticide programs of the department of agriculture. If the funding exceeds the reasonable cost to administer the programs as set forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the pest and pesticide programs of the department of agriculture.

6. Provided the state complies with requirements of the federal government to register pesticides to meet special local needs, the director shall require that registrants comply with sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more pesticides meet the requirements of this subsection, one shall not be registered in preference to the other.

7. The director may require the submission of the complete formula of any pesticide to approve or deny product registration. If it appears to the director that the composition and efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of sections 281.210 to 281.310, he **or she** shall register the pesticide.

8. Provided the state is authorized to issue experimental use permits, the director may:

(1) Issue an experimental use permit to any person applying for an experimental use permit if he **or she** determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under sections 281.210 to 281.310. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;

(2) Prescribe terms, conditions, and period of time for the experimental permit which shall be under the supervision of the director;

(3) Revoke any experimental permit, at any time, if he **or she** finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

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9. If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws, he **or she** shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered or, in the case of a pesticide that is already registered, that it not be cancelled, the director, within ninety days, shall hold a public hearing to determine if the pesticide in question should be registered or cancelled. If, after such hearing, it is determined that the pesticide should not be registered or that its registration should be cancelled, the director may refuse registration or cancel an existing registration until the required label changes are accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from administrative decisions by the director will be taken in accordance with sections 536.100 to 536.140.

10. Notwithstanding any other provision of sections 281.210 to 281.310, registration is not required in the case of a pesticide shipped from one plant or warehouse within this state to another plant or warehouse within this state when such plants are operated by the same persons.

11. The director shall not make any lack of essentiality a criterion for denying registration of a pesticide except where none of the labeled uses are present in the state. Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be registered in preference to the other.

12. Notwithstanding any other provision of law to the contrary, the director may allow a reasonable period of time for the retailer to dispose of existing stocks of pesticides after the manufacturer or distributor has ceased to register the product with the state. The method of disposal shall be determined by the director.

281.265. PESTICIDE EDUCATION FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Pesticide Education Fund", which shall consist of any moneys or fees appropriated to the fund as well as a portion of any fees collected by the department of agriculture under section 281.260 and deposited by the director that are not otherwise placed in the state treasury to the credit of the agriculture protection fund under section 261.200. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely to provide funding for pesticide applicator certification programs, pesticide education programs, and pesticide waste and container disposal programs. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[195.755. GROWER MAY RETAIN SEED, WHEN. — A grower may retain seed from each industrial hemp crop to ensure a sufficient supply of seed for that grower for the following year. A grower shall not be required to obtain an agricultural hemp seed production permit in order to retain seed for future planting. Any seed retained by a grower for future planting shall not be sold

or transferred and does not have to meet agricultural hemp seed standards established by the department.**]**

[195.770. INDUSTRIAL HEMP SEED, CERTIFICATION PROGRAM AUTHORIZED — HERITAGE SEED DEVELOPMENT AUTHORIZED. — 1. The Missouri Crop Improvement Association, in collaboration with the department, may establish and administer a certification program for agricultural hemp seed in this state. Participation in the certification program shall be voluntary for growers and cultivators of industrial hemp.

2. The Missouri Crop Improvement Association, in collaboration with the department, may develop a Missouri heritage seed for industrial hemp. In developing a Missouri heritage seed, the department may:

(1) Breed, plant, grow, cultivate, and harvest the plant cannabis; and

(2) Collect seeds from wild cannabis plants.**]**

[280.005. LAW, HOW CITED. — Sections 280.005 to 280.140 shall be known as the "Missouri Treated Timber Law".**]**

[280.010. DEFINITIONS. — As used in this chapter the following terms mean:

(1) "Brand", an identification mark assigned to a treated timber producer, used to mark treated timber products after treatment;

(2) "Director", the director of the state department of agriculture;

(3) "Preservative" includes such chemicals or combination thereof that will protect wood or wood products against deterioration or destruction from any one or combination of the following: insects, fungi, bacteria, or other wood-destroying organisms;

(4) "Retention of preservatives", the amount of preservative in pounds per cubic foot or metric equivalent retained in wood after preservative treatment;

(5) "Stop-sale", an administrative order provided by law, restraining the sale, disposition, and movement of a definite amount of treated timber, of a specific piece, bundle, charge or shipment if the treated timber is distinguished by piece, bundle, charge or shipment;

(6) "Treated timber", wood or wood products treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood-destroying organisms;

(7) "Treated timber dealer", any retail or wholesale place of business other than treated timber producers that sells or offers for sale treated timber products;

(8) "Treated timber producer", any person, firm or corporation who engages in the business of treating timber products with preservatives.**]**

[280.020. TREATED TIMBER PRODUCTS SOLD TO MEET STANDARDS. — It shall be unlawful for any treated timber producer to sell or offer for sale within the state of Missouri any treated timber unless such treated timber meets the standards for such products as established by the director under the provisions of this chapter.**]**

[280.030. LICENSE REQUIRED FOR TREATED TIMBER PRODUCER. — Every treated timber producer shall annually secure a license from the director before such treated timber may be sold or offered for sale in the state of Missouri. The fee for such treated timber producer license shall be two hundred dollars annually. This annual license fee shall also

allow the sale of treated timber without the additional purchase of the treated timber dealer license required by section 280.035.**]**

[280.035. LICENSES REQUIRED FOR TREATED TIMBER DEALER — FEE. — Every treated timber dealer who engages in the business of selling treated timber shall annually secure a license from the director for each location or place of business where such sales occur before such treated timber may be sold or offered for sale in the state of Missouri by such treated timber dealer. The fee for a treated timber dealer license shall be fifteen dollars.**]**

[280.037. DEALER'S LICENSE APPLICATION, CONTENT. — Every treated timber dealer before selling or offering for sale treated timber in the state of Missouri shall file a license application provided by the department of agriculture and shall give the following information:

(1) Company name, address, and telephone number; and

(2) The type of treated timber to be sold.**]**

[280.038. LICENSE NOT TRANSFERABLE — POSTING — LICENSE YEAR — FEES, PURPOSE, DEPOSIT — LATE RENEWAL, PENALTY. — 1. No license is transferable. All persons holding a Missouri treated timber license shall post the license in a conspicuous place in the place of business to which it applies. The licensing year shall be twelve months, or any fraction thereof beginning on July first and ending June thirtieth. Fees collected under sections 280.030 and 280.035 shall constitute a fund for the payment of costs of inspection, sampling, and analysis and other expenses necessary for the administration of sections 280.005 to 280.145 and shall be deposited in the state treasury and credited to the general revenue fund.

2. If the application for renewal of any treated timber license is not filed prior to expiration date in any year, a penalty of fifty percent shall be assessed and added to the original fee and shall be paid by the applicant before that renewal license shall be issued.**]**

[280.040. SUSPENSION OR REVOCATION OF LICENSE — NOTICE AND HEARING. — Whenever the director has knowledge that a licensee licensed under the provisions of this chapter has violated the provisions of this chapter, in order to protect the interest of the public, the director, after hearing, may suspend or revoke his license. The licensee shall be notified in writing of the violation, date and place of the hearing of suspension or revocation of his license.**]**

[280.050. STANDARDS FOR WOOD PRESERVATIVES — RULES AND REGULATIONS, PROCEDURE. — The director may promulgate rules to establish specifications for wood preservation and treating practices; to prescribe the minimum net retention of preservative per cubic foot or metric equivalent of wood in treating timber products; to establish branding requirements for treated timber; and to set requirements for preservative and product use information to be supplied to purchasers. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.**]**

[280.060. STATEMENT AS TO TREATMENT AND EFFECT TO BE FILED. — Every treated timber producer chemically treating timber for sale or offer for sale in Missouri, whether in state or out of state, shall, before selling or offering for sale, file with the director a statement giving the following information:

(1) The type of treatment used in processing the treated timber;

(2) The guaranteed net retention of preservative per cubic foot or metric equivalent of treated timber.**]**

[280.070. TIMBER PRODUCTS TO BE BRANDED — REGISTRATION OF BRAND. — Treated timber products shall be clearly branded before being sold or offered for sale within the state of Missouri as determined by rule. Each brand so used must be registered with the director.**]**

[280.080. INVOICE ON SHIPMENTS, CONTENTS. — All treated timber being sold or offered for sale within the state shall be accompanied by an invoice which shall carry the following information in addition to the price, terms of sale and other information required by the purchaser:

(1) The type of preservative used in processing treated timber;

(2) The guaranteed net retention of preservative per cubic foot or metric equivalent of treated wood; and

(3) Other information determined necessary and prescribed by the director by rule.**]**

[280.090. INSPECTION — RIGHT OF ENTRY — SEARCH WARRANT TO ISSUE, WHEN. — For the purpose of carrying out the provisions and requirements of this chapter and the rules made and notices given pursuant thereto, the director or his authorized agents, inspectors or employees may enter into or upon any premises during reasonable business hours and open any package or container containing or believed to contain treated timber and to take reasonable samples for testing purposes of preservatives used or treated products being sold or offered for sale. If the director or his authorized agent is denied access to any premises, where such access was sought for the purposes set forth in this chapter, the director or his authorized agent may apply to a court of competent jurisdiction for a search warrant authorizing access to the premises. The court may issue a search warrant for the purposes requested upon probable cause being shown.**]**

[280.095. STOP-SALE — STOP-USE — REMOVAL ORDERS — HEARING — SEIZURE — CONDEMNATION. — 1. The director or his authorized agent is authorized to issue and enforce written or printed "stop sale" orders to the owner or custodian of any treated timber and to hold those timber products at a designated place when the director or his authorized agent finds treated timber being offered for sale in violation of any provision of this chapter or rules promulgated pursuant thereto.

2. The owner or custodian of the treated timber subject to the "stop sale" order may require, and upon request shall be granted, a hearing in the circuit court of the city or county in which the products are located to determine whether probable cause exists that the statutes or regulations have been violated. The hearing shall be granted within three working days of the day of receipt by the court of the request for a hearing. The director or his agent shall, at the time of the seizure, notify in writing the custodian of the seized treated timber of the right to a hearing. If the custodian is not the owner of the treated timber, the director or his agent shall make reasonable efforts to notify the person holding title to the property, as owner, of the seizure and of his right to a hearing.

3. The "stop sale" order shall be effective until the law has been complied with and the treated timber has been released, in writing, by the director, or the violations have been otherwise legally disposed of by written authority. When the requirements of this chapter and rules promulgated hereto have been complied with, the director shall release the treated timber. If compliance is not obtained within thirty days, the director may begin, or upon request of the owner or custodian shall begin, proceedings for condemnation.**]**

[280.100. CONDEMNATION — WARNING REQUIRED — VENUE. — Any treated timber being sold or offered for sale in Missouri in violation of the provisions of this chapter may be proceeded against in any circuit court in any county of the state where it may be found and seized for condemnation, provided the offending person, firm or corporation has had official warning from the director of the department of agriculture or his authorized agent of this or previous violation.**]**

[280.110. DISPOSITION OF CONDEMNED PROPERTY — CIVIL PENALTY. — 1. If any treated timber is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct, and the proceeds, if the treated timber is sold, less legal costs and administrative costs and civil penalty, shall be paid to the person holding title to the treated timber; provided that the treated timber shall not be sold contrary to the provisions of sections 280.005 to 280.140; and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond, conditioned that the treated timber shall not be disposed of unlawfully, the court may direct that said treated timber be delivered to the owner or custodian thereof for retreating or disposal, as the case may be.

2. If the court orders a condemnation sale to dispose of the treated timber, ten percent of the proceeds or ten thousand dollars, whichever is less, shall be paid to the general revenue fund as a civil penalty.**]**

[280.120. EXCEPTIONS — LAW NOT APPLICABLE. — Exceptions:

(1) No part of this chapter shall be construed as affecting farmers or other persons treating timber or timber products for home or personal use;

(2) No part of this chapter shall be construed to prohibit any manufacturer of treated timber products from employing preservative standards and methods prescribed by federal or state agencies, departments or political subdivisions, railroads, mines, and public utilities in the manufacturing, sale and delivery in this state of their orders of treated timber products, except that the manufacturer must show proof of contract when requested to do so by the director;

(3) No part of this chapter shall be construed to include within the definition of treated timber dealer federal or state agencies, departments or political subdivisions, railroads, mines, public and municipal utilities and corporations organized under chapter 394 which engage in the sale of surplus treated timber products produced under preservative standards and methods as described in subdivision (2) of this section;

(4) No particular method or methods of treatment shall be prescribed.**]**

[280.130. VIOLATION — CLASS B MISDEMEANOR. — Any person, firm or corporation who violates any provision or requirement of this chapter is guilty of a class B misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.**]**

[280.140. INJUNCTION — VIOLATIONS. — The director is authorized to apply to the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of sections 280.005 to 280.140 or any rule promulgated under sections 280.005 to 280.140, notwithstanding the existence of other remedies at law.**]**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure the vitality of the agricultural industry in the state by allowing for research into the effectiveness of the multiple varieties of industrial hemp, the repeal and reenactment of section 195.767 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace,

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 195.767 of section A of this act shall be in full force and effect upon its passage and approval.

Approved June 24, 2019

HCS SB 134

Enacts provisions relating to solid waste.

AN ACT to repeal sections 260.240 and 260.273, RSMo, and to enact in lieu thereof two new sections relating to solid waste.

SECTION

A. Enacting clause.
260.240 Violations, how proceeded against — county regulations, how enforced, penalty for violation — exceptions.
260.273 Fee, sale of new tires, amount — collection, use of moneys — termination.

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

SECTION A. ENACTING CLAUSE. — Sections 260.240 and 260.273, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 260.240 and 260.273, to read as follows:

260.240. VIOLATIONS, HOW PROCEEDED AGAINST — COUNTY REGULATIONS, HOW ENFORCED, PENALTY FOR VIOLATION — EXCEPTIONS. — 1. In the event the director determines that any provision of sections 260.200 to 260.245 and 260.330 or any standard, rule, regulation, final order or approved plan promulgated pursuant thereto is being, was, or is in imminent danger of being violated, the director may, in addition to those remedies provided in section 260.230, cause to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any such violation or further violation or in the case of violations concerning **[**a solid waste disposal area or**]** a solid waste processing facility, for the assessment of a penalty not to exceed one thousand dollars per day **[**for each day**]**, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper or in the case of violations concerning a solid waste disposal area and in the case of a violation of section 260.330 by a solid waste processing facility, for the assessment of a penalty not to exceed five thousand dollars per day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty under this section shall not be assessed for a violation where an administrative penalty was assessed under section 260.249. The director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit can be brought in any county where the defendant's principal place of business is located or where the violation occurred. Any offer of settlement to resolve a civil penalty under this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department under authority of this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. Any rule, regulation, standard or order of a county commission, adopted pursuant to the provisions of sections 260.200 to 260.245, may be enforced in a civil action for mandatory or prohibitory injunctive relief or for the assessment of a penalty not to exceed five hundred dollars per day for each day, or part thereof, that a violation of such rule, regulation, standard or order of a county commission occurred and continues to occur, or both, as the commission deems proper. The county commission may request the prosecuting attorney or other attorney to bring any action authorized in this section in the name of the people of the state of Missouri.

3. The liabilities imposed by this section shall not be imposed due to any violation caused by an act of God, war, strike, riot or other catastrophe.

260.273. FEE, SALE OF NEW TIRES, AMOUNT — COLLECTION, USE OF MONEYS — TERMINATION. — 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing environmental educational materials, programs, and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

5. Up to fifty percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to forty-five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental or public health emergencies and threats as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

(1) Removal of scrap tires from illegal tire dumps;

(2) Providing grants to persons that will use products derived from scrap tires, or use scrap tires as a fuel or fuel supplement; and

(3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate **[**January 1, 2020**]** **December 31, 2025**.

Approved June 6, 2019

SB 138

Enacts provisions relating to reports issued by the state auditor.

AN ACT to repeal section 29.200, RSMo, and to enact in lieu thereof one new section relating to reports issued by the state auditor.

SECTION

A. Enacting clause.

29.200 Audits to be conducted at discretion of auditor or request of governor — auditor's duties.

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

SECTION A. ENACTING CLAUSE. — Section 29.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 29.200, to read as follows:

29.200. AUDITS TO BE CONDUCTED AT DISCRETION OF AUDITOR OR REQUEST OF GOVERNOR — AUDITOR'S DUTIES. — 1. Except as provided under subsection 2 of this section, all audits conducted under this chapter may be made at the discretion of the auditor without advance notice to the organization being audited. An audit also shall be conducted upon the request of the governor as provided under section 26.060, and the expenses for any such audit conducted upon the request of the governor shall be paid as provided in section 26.090.

2. The auditor, on his or her initiative and as often as he or she deems necessary, to the extent deemed practicable and consistent with the overall responsibility as contained in this chapter, shall make or cause to be made audits of all or any part of the activities of the state agencies.

3. The auditor shall make, or cause to be made, audits of all or any parts of political subdivisions and other entities as authorized in this chapter or any other law of this state.

4. In selecting audit areas and in evaluating current audit activity, the auditor may, at his or her discretion, consider and utilize, in whole or in part, the relevant audit coverage and applicable reports of the audit staffs of the various state agencies, independent contractors, and federal agencies.

5. The auditor shall be authorized to contract with federal audit agencies, or any governmental agency, on a cost-reimbursement basis, to perform audits of federal grant programs administered by the state departments and institutions in accordance with agreements negotiated between the auditor and the contracting federal audit agencies or any governmental agency. In instances where the grantee state agency shall subgrant such federal funds to local governments, regional councils of government, other local groups, or private or semiprivate institutions or agencies, the auditor shall have the authority to examine the books and records of these subgrantees to the extent

necessary to determine eligibility and proper use in accordance with state and federal laws and regulations. The auditor shall charge and collect from the contracting federal audit agencies, or any governmental agencies, the actual cost of all the audits of the grants and programs that are conducted by the auditor under the contract. Amounts collected under these arrangements shall be deposited into the state treasury and be credited to the state auditor-federal fund and shall be available to hire sufficient personnel to perform these contracted audits and to pay for related travel, supplies, and other necessary expenses.

6. **(1)** In the auditor's reports of audits **conducted under this chapter** and reports of special investigations, the auditor shall make any comments, suggestions, or recommendations deemed appropriate concerning any aspect of **[**such agency's**]** **the auditee's** activities and operations.

(2) If, in making any report under subdivision (1) of this subsection, the auditor fails to make any suggestions or recommendations for any practice deemed inadequate by the auditor, the auditee may request that the auditor make, and the auditor shall provide, suggestions or recommendations, to the extent allowed under governmental auditing standards, for how to remedy the inadequate practice.

(3) The auditor shall make a summary of any report of an audit conducted under this chapter. Such summary shall contain a summary of the recommendations provided to the auditee, if any.

7. The auditor shall audit the state treasury at least once annually.

8. The auditor may examine the banking accounts and records of the state treasurer, state agency, or any political subdivision at any bank or financial institution provided that the bank or financial institution shall not be required to produce the requested accounts or records until the auditor, treasurer, state agency, or political subdivision reimburses the reasonable document production costs of the bank or financial institution.

9. The auditor may, as often as the auditor deems necessary, conduct a detailed review of the bookkeeping and accounting systems in use in the various state agencies that are supported partially or entirely by state funds. Such examinations shall be for the purpose of evaluating the adequacy of systems in use by such agencies. In instances where the auditor determines that existing systems are outmoded, inefficient, or otherwise inadequate, the auditor shall recommend changes to the state agency and notify the general assembly of the recommended changes.

10. The auditor shall, through appropriate tests, determine the propriety of the data presented in the state comprehensive annual financial report, and shall express the auditor's opinion in accordance with generally accepted government auditing standards.

11. The auditor shall provide a report to the governor, attorney general, and other appropriate officials of facts in the auditor's possession which pertain to the apparent violation of penal statutes or apparent instances of malfeasance, misfeasance, or nonfeasance by an officer or employee.

12. At the conclusion of an audit, the auditor or the auditor's designated representative shall supply a copy of a draft report of the audit to, and discuss such draft with, the official, or that official's designated representative, whose office is subject to audit. On any audit of a state agency or political subdivision of the state, the auditee shall provide responses to any recommendations contained in the draft report within thirty days from the receipt of the draft report.

13. The auditor shall notify the general assembly, the governor, the director of each agency audited, and other persons as the auditor deems appropriate that an audit report has been published, its subject and title, and the locations, including state libraries, at which the report is available. The auditor then shall distribute copies of the report only to those who request a report. The copies shall be available in written form or available on the official website of the auditor. The auditor may charge a reasonable fee for providing a written copy of an audit report. The auditor also shall

file a copy of the audit report in the auditor's office; this copy shall be a permanent public record. Nothing in this subsection shall be construed to authorize or permit the publication of information that is otherwise prohibited by law from being disclosed.

14. Nothing in this chapter shall be construed to infringe upon or deprive the legislative, executive, or judicial branches of state government of any rights, powers, or duties vested in or imposed upon them by statute or the constitution of this state.

15. Nothing in this chapter shall be construed by the courts of this state in a manner inconsistent with Article II of the Constitution of Missouri.

16. The auditor shall be responsible for receiving reports of allegations of improper governmental activities as provided in section 29.221. The auditor shall adopt policies and procedures necessary to provide for the investigation or referral of such allegations.

17. In accordance with the state's records retention schedule, the auditor shall maintain a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under the auditor's authority. Audit workpapers and other evidence and related supportive material directly pertaining to the work of the auditor's office shall be retained according to an agreement between the auditor and the state archives. To promote intergovernmental cooperation and avoid unnecessary duplication of audit effort, pertinent workpapers and other supportive material related to issued audit reports may be, at the discretion of the auditor and unless otherwise prohibited by law, made available for inspection by duly authorized representatives of the state and federal government who desire access to, and inspection of, such records in connection with a matter officially before them, including criminal investigations. Except as provided in this section, audit workpapers and related supportive material shall be kept confidential, including any interpretations, advisory opinions, or other information or materials used and relied on in performing the audit.

Approved July 11, 2019

HCS SCS SB 167

Enacts provisions relating to permitting and contracts for construction services.

AN ACT to repeal section 107.170, RSMo, and to enact in lieu thereof one new section relating to permitting and contracts for construction services.

SECTION

A. Enacting clause.

107.170 Bond — public works contractor — defense of employees from suit, exceptions.

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

SECTION A. ENACTING CLAUSE. — Section 107.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 107.170, to read as follows:

107.170. BOND — PUBLIC WORKS CONTRACTOR — DEFENSE OF EMPLOYEES FROM SUIT, EXCEPTIONS. — 1. As used in this section, the following terms mean:

(1) "Contractor"**[**,**]:**

(a) A person or business entity who**:**

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

a. Provides **or arranges for** construction services **on a public works project** under contract to a public entity**[**.**] for a governmental purpose; or**

b. Contracts, provides, or arranges for construction services on a public works project for a nongovernmental purpose when acting as a lessee, agent, designee, or representative of a public entity;

(b) Contractor **[**specifically does**] shall** not include**:**

a. Professional engineers, architects or land surveyors licensed pursuant to chapter 327**[**,**];**

b. Those who provide environmental assessment services**; [**or**]**

c. Those who design, create or otherwise provide works of art under a city's formally established program for the acquisition and installation of works of art and other aesthetic adornments to public buildings and property; **or**

d. A construction manager not-at-risk within the meaning of section 8.675, or who does not otherwise enter into contracts with contractors for the furnishing of labor, materials, or services to the public works project;

(2) "Public entity", any official, board, commission or agency of this state or any county, city, town, township, school, road district or other political subdivision of this state;

(3) "Public works", the erection, construction, alteration, repair or improvement of any building, road, street, public utility or other public facility owned by the public entity**, including work for nongovernmental purposes**.

2. It is hereby made the duty of all public entities in this state, in making contracts for public works, the cost of which is estimated to exceed fifty thousand dollars, to be performed for**:**

(1) The public entity**; or**

(2) The public entity's lessee, agent, designee, or representative on work for nongovernmental purposes,

to require every contractor for such work to furnish to the public entity a bond with good and sufficient sureties, in an amount fixed by the public entity**[**, and**].** Such bond, among other conditions, shall be conditioned for the payment of any and all materials, incorporated, consumed or used in connection with the construction of such work**[**, and**];** all insurance premiums, both for compensation, and for all other kinds of insurance, **on** said work**[**,**];** and for all labor performed in such work whether by **a** subcontractor**, a supplier at any tier,** or otherwise. **Remote suppliers shall not be entitled to recovery under the bond required by this section, unless such suppliers shall have given written notice to the contractor that it has not been paid within ninety days of the time the supplier last supplied materials on the public works project. For purposes of this provision, a "remote supplier" is any material supplier to a public works project having a contract with a second, or lower, tier subcontractor, or with another material supplier of any tier.**

3. All bonds executed and furnished under the provisions of this section shall be deemed to contain the requirements and conditions as herein set out, regardless of whether the same be set forth in said bond, or of any terms or provisions of said bond to the contrary notwithstanding.

4. Nothing in this section shall be construed to require a member of the school board of any public school district of this state to independently confirm the existence or solvency of any bonding company if a contractor represents to the member that the bonding company is solvent and that the representations made in the purported bond are true and correct. This subsection shall not relieve from any liability any school board member who has any actual knowledge of the insolvency of any bonding company, or any school board member who does not act in good faith in complying with the provisions of subsection 2 of this section.

5. A public entity may defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, against any claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of a duty under this section. The provisions of this subsection do not apply in case of malfeasance in office or willful or wanton neglect of duty.

6. Nothing in this section shall be deemed to require any contractor who provides construction services for a public works project used for nongovernmental purposes and who contracts with a public entity's lessee, agent, designee, or representative on such public works project used for nongovernmental purposes to furnish a bond when the public entity's lessee, agent, designee, or representative is required under this section to furnish a bond.

7. The providing of a bond under this section shall preclude the filing of a mechanic's lien under chapter 429 by any subcontractor or supplier. Any mechanic's lien filed in violation hereof shall be void and unenforceable and shall be summarily discharged by a judge of the county in which the mechanic's lien if filed.

Approved July 11, 2019

SCS SB 174

Enacts provisions relating to the reduction of taxes owed on certain income.

AN ACT to repeal sections 143.121 and 148.064, RSMo, and to enact in lieu thereof two new sections relating to the reduction of taxes owed on certain income.

SECTION

A.	Enacting clause.
143.121	Missouri adjusted gross income.
148.064	Ordering and limit reductions for certain credits — consolidated return — transfers of credits — effect of repeal of corporation franchise tax — pass through of tax credits by S corporation bank.

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

SECTION A. ENACTING CLAUSE. — Sections 143.121 and 148.064, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 143.121 and 148.064, to read as follows:

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by **26 U.S.C.** Section 103 of the Internal Revenue Code**, as amended**. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable

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to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of **26 U.S.C.** Section 265 of the Internal Revenue Code**, as amended**. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to **26 U.S.C.** Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to **26 U.S.C.** Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by **26 U.S.C.** Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by **26 U.S.C.** Section 172(b)(1)(G) and **26 U.S.C.** Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest **received on deposits held at a federal reserve bank** or **interest or** dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to **26 U.S.C.** Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to **26 U.S.C.** Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; and

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

(a) Livestock Forage Disaster Program;

(b) Livestock Indemnity Program;

(c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;

(d) Emergency Conservation Program;

(e) Noninsured Crop Disaster Assistance Program;

(f) Pasture, Rangeland, Forage Pilot Insurance Program;

(g) Annual Forage Pilot Program;

(h) Livestock Risk Protection Insurance Plan; and

(i) Livestock Gross Margin **[**insurance plan**]** **Insurance Plan**.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to **26 U.S.C.** Section 1033 of the Internal

Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

148.064. ORDERING AND LIMIT REDUCTIONS FOR CERTAIN CREDITS — CONSOLIDATED RETURN — TRANSFERS OF CREDITS — EFFECT OF REPEAL OF CORPORATION FRANCHISE TAX — PASS THROUGH OF TAX CREDITS BY S CORPORATION BANK. — 1. Notwithstanding any law to the contrary, this section shall determine the ordering and limit reductions for certain taxes and tax credits which may be used as credits against various taxes paid or payable by banking institutions. Except as adjusted in subsections 2, 3 and 6 of this section, such credits shall be applied in the following order until used against:

(1) The tax on banks determined under subdivision (2) of subsection 2 of section 148.030;

(2) The tax on banks determined under subdivision (1) of subsection 2 of section 148.030;

(3) The state income tax in section 143.071.

2. The tax credits permitted against taxes payable pursuant to subdivision (2) of subsection 2 of section 148.030 shall be utilized first and include taxes referenced in subdivisions (2) and (3) of

subsection 1 of this section, which shall be determined without reduction for any tax credits identified in subsection 5 of this section which are used to reduce such taxes. Where a banking institution subject to this section joins in the filing of a consolidated state income tax return under chapter 143, the credit allowed under this section for state income taxes payable under chapter 143 shall be determined based upon the consolidated state income tax liability of the group and allocated to a banking institution, without reduction for any tax credits identified in subsection 5 of this section which are used to reduce such consolidated taxes as provided in chapter 143.

3. The taxes referenced in subdivisions (2) and (3) of subsection 1 of this section may be reduced by the tax credits in subsection 5 of this section without regard to any adjustments in subsection 2 of this section.

4. To the extent that certain tax credits which the taxpayer is entitled to claim are transferable, such transferability may include transfers among such taxpayers who are members of a single consolidated income tax return, and this subsection shall not impact other tax credit transferability.

5. For the purpose of this section, the tax credits referred to in subsections 2 and 3 shall include tax credits available for economic development, low-income housing and neighborhood assistance which the taxpayer is entitled to claim for the year, including by way of example and not of limitation, tax credits pursuant to the following sections: section 32.115, section 100.286, and sections 135.110, 135.225, 135.352 and 135.403.

6. For tax returns filed on or after January 1, 2001, including returns based on income in the year 2000, and after, a banking institution shall be entitled to an annual tax credit equal to one-sixtieth of one percent of its outstanding shares and surplus employed in this state if the outstanding shares and surplus exceed one million dollars, determined in the same manner as in section 147.010. This tax credit shall be taken as a dollar-for-dollar credit against the bank tax provided for in subdivision (2) of subsection 2 of section 148.030; if such bank tax was already reduced to zero by other credits, then against the corporate income tax provided for in chapter 143. **For all tax years beginning on or after January 1, 2020, no tax credit shall be authorized under this subsection.**

7. In the event the corporation franchise tax in chapter 147 is repealed by the general assembly, there shall also be a reduction in the taxation of banks as follows: in lieu of the loss of the corporation franchise tax credit reduction in subdivision (1) of subsection 2 of section 148.030, the bank shall receive a tax credit equal to one and one-half percent of net income as determined in this chapter. This subsection shall take effect at the same time the corporation franchise tax in chapter 147 is repealed.

8. An S corporation bank or bank holding company that otherwise qualifies to distribute tax credits to its shareholders shall pass through any tax credits referred to in subsection 5 of this section to its shareholders as otherwise provided for in subsection 10 of section 143.471 with no reductions or limitations resulting from the transfer through such S corporation, and on the same terms originally made available to the original taxpayer, subject to any original dollar or percentage limitations on such credits, and when such S corporation is the original taxpayer, treating such S corporation as having not elected Subchapter S status.

9. Notwithstanding any law to the contrary, in the event the corporation franchise tax in chapter 147 is repealed by the general assembly, after such repeal all Missouri taxes of any nature and type imposed directly or used as a tax credit against the bank's taxes shall be passed through to the S corporation bank or bank holding company shareholder in the form otherwise permitted by law, except for the following:

(1) Credits for taxes on real estate and tangible personal property owned by the bank and held for lease or rental to others;

(2) Contributions paid pursuant to the unemployment compensation tax law of Missouri; or

(3) State and local sales and use taxes collected by the bank on its sales of tangible personal property and the services enumerated in chapter 144.

Approved July 11, 2019

SB 179

Enacts provisions relating to filings by certain financial institutions with the division of finance.

AN ACT to repeal sections 361.140, 361.230, 361.250, 361.440, 361.520, 362.025, 362.030, 362.042, 362.060, 362.430, 362.440, 362.450, 362.600, 362.660, 369.019, 369.059, 369.074, 369.079, 369.089, and 369.678, RSMo, and to enact in lieu thereof nineteen new sections relating to filings by certain financial institutions with the division of finance.

SECTION

A.	Enacting clause.
361.140	Preparation of information for report of department of economic development.
361.230	Branch offices — approval — certificate.
361.250	Extensions of time by director.
361.440	Inventory of assets to be made and filed.
361.520	Director to list claims duly presented — when and where filed.
362.025	Articles of agreement to be filed.
362.030	Director to examine as to character and capital.
362.042	Restated articles of incorporation may be amended at time of restatement, manner.
362.060	Change of par value — notice of meeting — when change effective — director to issue certificate.
362.430	Conditions to be complied with by foreign banking corporations applying for license.
362.440	Licenses to foreign corporations — renewal.
362.450	Revocation of authorization certificate or license in certain cases.
362.600	Reciprocal corporate fiduciary powers — certificates of reciprocity.
362.660	Verified copies of agreement and proceedings shall be submitted to finance director.
369.019	Incorporation, requirements, procedure, contents of petition, fees.
369.059	Amendment of articles of incorporation, procedure.
369.074	Conversion to state association, procedure, effect of.
369.079	Merger or consolidation, procedure — association may charter interim association, when, procedure.
369.089	Dissolution.
369.678	Articles of agreement, requirements, filing, director's duties — recording of articles, where.

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

SECTION A. ENACTING CLAUSE. — Sections 361.140, 361.230, 361.250, 361.440, 361.520, 362.025, 362.030, 362.042, 362.060, 362.430, 362.440, 362.450, 362.600, 362.660, 369.019, 369.059, 369.074, 369.079, 369.089, and 369.678, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 361.230, 361.250, 361.440, 361.520, 362.025, 362.030, 362.042, 362.060, 362.430, 362.440, 362.450, 362.600, 362.660, 369.019, 369.059, 369.074, 369.079, 369.089, and 369.678, to read as follows:

361.230. BRANCH OFFICES — APPROVAL — CERTIFICATE. — 1. Upon receipt by the director of a written application for leave to open a branch office from a corporation authorized by

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law to open branch offices, he or she shall make such investigation as he or she may deem necessary to ascertain whether the public convenience and advantage will be promoted by the opening of the branch office and whether the corporation has the amount of actually paid-in capital required by law.

2. If satisfied that the granting of the application is expedient and desirable, he or she shall make a certificate **[**in duplicate**]** under his or her hand and official seal authorizing the opening and occupation of the branch office and specifying the date on or after which and the condition under which it may be opened and the place where it shall be located**[**, and shall file one duplicate in the public records of the division of finance and shall transmit the other to the applicant**]**.

3. If the director shall be satisfied that the opening of the branch office is undesirable or inexpedient or that the corporation has not the requisite amount of capital actually paid in, he or she shall refuse the application and notify the corporation of his or her determination; provided, that this section shall not be construed to empower the director to grant a certificate for any bank or trust company organized under the laws of this state to maintain in this state any branch bank or branch trust company.

361.250. EXTENSIONS OF TIME BY DIRECTOR. — For satisfactory cause to him shown, the director of finance may grant extensions of time to corporations to which this chapter is applicable, as follows:

(1) He or she may extend for not more than one year the time within which any such corporation may commence business. Such extension shall only be made by an order under his or her hand and official seal **[**which shall be executed in duplicate and one copy thereof shall be filed in the public records of the division of finance and the second shall be transmitted to such corporation**]**.

(2) He or she may extend, for not exceeding twenty days, the time within which any such corporation is required to make and file any report to the director.

(3) In all other cases where, by any provision of this chapter, he or she is given power to grant extensions of time, it shall be within his or her sound discretion to grant such extension**[**, which shall be in writing, and a copy thereof shall be filed in the office of the director**]**.

361.440. INVENTORY OF ASSETS TO BE MADE AND FILED. — After the director shall have taken possession of the property and business of such corporation, he or she shall make **[**in duplicate**]** an inventory of the assets of such corporation. When the director shall have decided that he or she will not permit the corporation to resume business pursuant to the provisions of section 361.370, he or she shall file one copy of such inventory in the public records of the division of finance.

361.520. DIRECTOR TO LIST CLAIMS DULY PRESENTED — WHEN AND WHERE FILED. — [1.**]** The director shall make **[**in duplicate**]** a complete list of all claims duly presented, and shall specify therein the name of the claimant, the nature of the claim, and the amount thereof.

[2. Within ten days after the last date fixed in said notice to creditors to present and make proof of claims, the director shall file one copy of said list in his or her office, and cause one copy to be filed in the public records of the division of finance.**]**

362.025. ARTICLES OF AGREEMENT TO BE FILED. — The articles of agreement shall be signed and acknowledged by the parties thereto**[**,**]** and **[**three copies thereof**]** shall be filed with the director of finance. If the director finds the articles to be improperly drawn, he or she shall immediately return them to the parties indicating the corrections to be made. **[**If the director finds

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the articles to be in proper form, he or she shall return one copy to the parties with an indication that they are approved as to form, and shall file one copy in the public records of the division of finance which shall be a permanent record.**]**

362.030. DIRECTOR TO EXAMINE AS TO CHARACTER AND CAPITAL. — 1. When any bank or trust company has filed with the director **[**proper copies of**]** its articles of agreement, paid all incorporation and other fees in full, as required by law and provided the cash required by law, the director, before the bank or trust company shall complete its incorporation, shall cause an examination to be made to ascertain whether the requisite capital of the bank or trust company has been subscribed in good faith and paid in actual cash and is ready for use in the transaction of business of the proposed bank or trust company, and whether the character, responsibility and general fitness of the persons named in the articles of agreement and any bank holding company on whose behalf they are acting are such as to command confidence and warrant belief that the business of the proposed corporation will be conducted honestly and efficiently in accordance with the intent and purpose of this chapter; and if the convenience and needs of the community to be served justify and warrant the opening of the bank or trust company therein, and if the probable volume of business in such locality is sufficient to insure and maintain the solvency of the new bank or trust company and the solvency of the then existing banks and trust companies in the locality, without endangering the safety of any bank or trust company in the locality as a place of deposit of public and private moneys.

2. The proponents shall be liable for all expenses incurred in making the examination, including the wages and other necessary expenses of each examiner making the examination; provided, however, that if the charter is granted, this obligation may be assumed by the bank or trust company so chartered.

362.042. RESTATED ARTICLES OF INCORPORATION MAY BE AMENDED AT TIME OF RESTATEMENT, MANNER. — 1. Any bank or trust company may at any time restate its articles of agreement as theretofore amended, in the following manner:

(1) The directors may adopt a resolution setting forth the proposed restated articles of agreement and directing that they be submitted to a vote at a meeting of stockholders, which may be either an annual or a special meeting, except that the proposed restated articles of agreement need not be adopted by the directors and may be submitted directly to an annual or special meeting of stockholders.

(2) Notice shall be given as provided in section 362.044.

(3) At the meeting a vote of the stockholders entitled to vote thereon shall be taken on the proposed restated articles. The proposed restated articles shall be adopted upon receiving the affirmative vote of a majority of the outstanding shares entitled to vote.

(4) Upon such approval, restated articles of agreement shall be executed in duplicate by the bank or trust company by its president or a vice president and by its cashier or secretary or an assistant cashier or secretary, and verified by one of the officers signing the articles. The restated articles shall contain a statement that the restated articles correctly set forth without change the corresponding provisions of the articles of agreement as heretofore amended, and that the restated articles of agreement supersede the original articles of agreement and all amendments thereto.

(5) **[**Duplicate originals of**]** The restated articles of agreement shall be delivered to the director of finance. If the director finds that the restated articles conform to law, and that all required fees have been paid, he or she shall file the same**[**, and one of such copies shall be retained by the director in the public records of the division of finance**]**.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(6) The director thereupon shall issue a restated certificate of incorporation setting forth the name of the bank or trust company, the amount of its capital subscribed and paid up in full, the period of its existence, and the address and location in the city or town at which the corporation is authorized to conduct its business. A certified copy of the restated articles shall be attached to the restated certificate of incorporation and delivered to the bank or trust company.

(7) Upon the issuance of the restated certificate of incorporation by the director of finance, the restated articles shall supersede the original articles of agreement and all amendments thereto.

2. The articles of incorporation may be amended at the time of restatement of the articles of incorporation in the following manner:

(1) The procedure required by this chapter for effecting an amendment to the articles of incorporation may be carried out concurrently with the procedure for restatement so that the proposed amendment and the restated articles may be presented to the same meetings of directors and shareholders;

(2) Such amendment, upon adoption by that percentage vote of shareholders required for that particular amendment, and on being set forth in the certificate of amendment required by this chapter, may then be incorporated into such restated articles of incorporation;

(3) **[**Duplicate originals of**]** The amended and restated articles of agreement shall be delivered to the director of finance. If the director finds that the amended and restated articles conform to law, and that all required fees have been paid, he or she shall file the same**[**, and one of such copies shall be retained by the director in the public records of the division of finance**]**;

(4) The director thereupon shall issue a restated certificate of incorporation setting forth the name of the bank or trust company, the amount of its capital subscribed and paid up in full, the period of its existence, and the address and location at which the corporation is authorized to conduct its business. A certified copy of the amended and restated articles shall be attached to the restated certificate of incorporation and delivered to the bank or trust company;

(5) Upon the issuance of the restated certificate of incorporation by the director of finance, the amended and restated articles shall supersede the original articles of agreement and all amendments thereto.

362.060. CHANGE OF PAR VALUE — NOTICE OF MEETING — WHEN CHANGE EFFECTIVE — DIRECTOR TO ISSUE CERTIFICATE. — 1. The par value of the shares of the corporation may be changed by the stockholders at either a special or annual meeting of the stockholders.

2. Notice of the proposed change shall be given as provided in section 362.044.

3. If the holders of a majority of the stock of the corporation at any meeting shall vote in favor of a resolution authorizing a change in the par value of its shares the resolution shall thereupon be adopted, and, upon the filing with the director of the resolution, certified by the secretary of the corporation to be a true and correct copy thereof adopted by the holders of a majority of the stock of the corporation at a meeting duly called and held in accordance with the provisions hereof, the change in par value of the shares shall thereupon become effective.

[4. The director shall issue a certificate of filing and certify two of the copies, and one of the certified copies shall be filed by the division of finance in its public records and the certificate provided to the corporation.**]**

362.430. CONDITIONS TO BE COMPLIED WITH BY FOREIGN BANKING CORPORATIONS APPLYING FOR LICENSE. — 1. Every foreign banking corporation before being licensed by the finance director to transact in this state the business of buying, selling, paying or collecting bills of exchange, or of issuing letters of credit or of receiving money for transmission or transmitting the

same by draft, check, cable or otherwise, or of making sterling or other loans, or any part of such business, or before maintaining in this state any agency for carrying on such business or any part thereof, shall subscribe and acknowledge and submit to the finance director at his office a separate application certificate **[**in duplicate**]** for each agency which such foreign corporation proposes to establish in this state, which shall specifically state:

(1) The name of such foreign banking corporation;

(2) The place where its business is to be transacted in this state, and the name of the agent or agents through whom such business is to be transacted;

(3) The amount of its capital actually paid in cash and the amount subscribed for and unpaid;

(4) The actual value of the assets of such corporation which must be at least two hundred and fifty thousand dollars in excess of its liabilities and a complete and detailed statement of its financial condition as of a date within sixty days prior to the date of such application.

2. At the time such application certificate is submitted to the director, such corporation shall also submit a duly exemplified copy of its charter and a verified copy of its bylaws, or the equivalent thereof.

362.440. LICENSES TO FOREIGN CORPORATIONS — RENEWAL. — 1. Upon receipt by the director from any foreign corporation of an application in proper form for leave to do business in this state under the provisions of this chapter, he or she shall, by such investigation as he or she may deem necessary, satisfy himself or herself whether the applicant may safely be permitted to do business in this state.

2. If from such investigation he or she shall be satisfied that it is safe and expedient to grant such application and it shall have been shown to his or her satisfaction that such applicant may be authorized to engage in business in this state pursuant to the provisions of this chapter and has complied with all the requirements of this chapter, he or she shall issue a license under his or her hand and official seal authorizing such applicant to carry on such business at the place designated in the license and, if such license is for a limited time, specifying the date upon which it shall expire.

3. **[**Such license shall be executed in triplicate and the director shall transmit one copy to the applicant, file another in his or her own office and file the third in the public records of the division of finance.

4.**]** Whenever any such license is issued for one year or less, the director may, at the expiration thereof, renew such license for one year.

362.450. REVOCATION OF AUTHORIZATION CERTIFICATE OR LICENSE IN CERTAIN CASES. — [1.**]** If at any time the director shall be satisfied that any foreign corporation to which has been issued an authorization certificate or license is violating any of the provisions of this chapter, or is conducting its business in an unauthorized or unsafe manner, or is in an unsound or unsafe condition to transact its business, or cannot with safety and expediency continue business, the director may over his or her official signature and seal of office notify the holder of such authorization certificate or license that the same is revoked.

[2. Such notice shall be executed in triplicate and the director shall forthwith transmit one copy to the holder of such authorization certificate or license, file another in his or her own office and file the third in the public records of the division of finance.

3. The director may, in his or her discretion, publish a copy of such notice, with such other facts as he or she may deem proper, for six successive days, in a paper published at the City of Jefferson.**]**

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362.600. RECIPROCAL CORPORATE FIDUCIARY POWERS — CERTIFICATES OF RECIPROCITY. — 1. The term "out-of-state bank or trust company", as used in this section, shall mean:

(1) Any bank or trust company now or hereafter organized under the laws of any state of the United States other than Missouri; and

(2) Any national banking association or any thrift institution under the jurisdiction of the office of the comptroller of the currency having its principal place of business in any state of the United States other than Missouri.

2. Except as provided in subsections 4 and 6 of this section, any out-of-state bank or trust company may act in this state as trustee, executor, administrator, guardian, or in any other like fiduciary capacity, without the necessity of complying with any law of this state relating to the licensing of foreign banking corporations by the director of finance or relating to the qualifications of foreign corporations to do business in this state, and notwithstanding any prohibition, limitation or restriction contained in any other law of this state, provided only that:

(1) The out-of-state bank or trust company is authorized to act in this fiduciary capacity or capacities in the state in which it is incorporated, or, if the out-of-state bank or trust company be a national banking association, or a thrift institution, it is authorized to act in this fiduciary capacity or capacities in the state in which it has its principal place of business; and

(2) Any bank or other corporation organized under the laws of this state or a national banking association or thrift institution having its principal place of business in this state may act in these fiduciary capacities in that state without further showing or qualification, other than that it is authorized to act in these fiduciary capacities in this state, compliance with minimum capital, bonding, or securities pledge requirements applicable to all banks and trust companies doing business in that state, and compliance with any law of that state concerning service of process:

(a) Which may require the appointment of an official or other person for the receipt of process; or

(b) Which contains provisions to the effect that any bank or trust company which is not incorporated under the laws of that state, or if a national bank or thrift institution then which does not have its principal place of business in that state, acting in that state in a fiduciary capacity pursuant to provisions of law making it eligible to do so, shall be deemed to have appointed an official of that state to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the entity has acted or is acting in that state in this fiduciary capacity, and that the acceptance of or engagement in that state in any acts in this fiduciary capacity shall be deemed its agreement that the process against it, which is so served, shall be of the same legal force and validity as though served upon it personally, or which contains any substantially similar provisions.

3. Any out-of-state bank or trust company eligible to act in any fiduciary capacity in this state pursuant to the provisions of this section may so act whether or not a resident of this state be acting with it in this capacity, may use its corporate name in connection with such activity in this state, and may be appointed to act in this fiduciary capacity by any court having jurisdiction in the premises, all notwithstanding any provision of law to the contrary. Nothing in this section contained shall be construed to prohibit or make unlawful any activity in this state by a bank or trust company which is not incorporated under the laws of this state, or if a national bank or thrift institution then which does not have its principal place of business in this state, which would be lawful in the absence of this section.

4. Except as provided in subsection 6 of this section, prior to the time when any out-of-state bank or trust company acts pursuant to the authority of this section in any fiduciary capacity or

capacities in this state, the out-of-state bank or trust company shall file with the director of finance a written application for a certificate of reciprocity and the director of finance shall issue the certificate to the out-of-state bank or trust company. The application shall state the information set forth in the following subdivisions (1) to (7), and the out-of-state bank or trust company shall be subject to the following subdivisions (8) to (10):

(1) The correct corporate name of the out-of-state bank or trust company;

(2) The name of the state under the laws of which it is incorporated, or if the out-of-state bank or trust company is a national banking association or thrift institution shall state that fact;

(3) The address of its principal business office;

(4) In what fiduciary capacity or capacities it desires to act, in the state of Missouri;

(5) Whether the out-of-state bank or trust company intends to establish a trust representative office, facility, branch, or other physical location in the state of Missouri and the activities to be conducted at such office, facility, branch, or location;

(6) That it is authorized to act in a similar fiduciary capacity or capacities in the state in which it is incorporated, or, if it is a national banking association, in which it has its principal place of business;

(7) That the application shall constitute the irrevocable appointment of the director of finance of Missouri as its true and lawful attorney to receive service of all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the out-of-state bank or trust company may act in this state in the fiduciary capacity pursuant to the certificate of reciprocity applied for;

(8) Subject to subdivision (10) of this subsection unless the out-of-state bank or trust company verifies to the director of the division of finance that it satisfies capital requirements equal to the new charter requirement for a Missouri trust company or that it maintains a bond for the faithful performance of all its fiduciary activities equivalent to the Missouri capital requirements, the director may require the applicant to submit a bond issued by a surety company authorized to do business in the state of Missouri in the minimum amount of one million dollars in a form or such greater amount acceptable to the director of the division of finance. The surety bond shall secure the faithful performance of the fiduciary obligations of the out-of-state bank or trust company in Missouri;

(9) The application shall be verified by an officer of the out-of-state bank or trust company, and there shall be filed with it such certificates of public officials and copies of documents certified by public officials as may be necessary to show that the out-of-state bank or trust company is authorized to act in a fiduciary capacity or capacities similar to those in which it desires to act in the state of Missouri, in the state in which it is incorporated, or, if it is a national banking association in which it has its principal place of business. The director of finance shall, thereupon, if the out-of-state bank or trust company is one which may act in the fiduciary capacity or capacities as provided in subsection 2 of this section, issue to the entity a certificate of reciprocity**[**, retaining a duplicate thereof together with the application and accompanying documents in his or her office**]**. The certificate of reciprocity shall recite and certify that the out-of-state bank or trust company is eligible to act in this state pursuant to this section and shall recite the fiduciary capacity or capacities in which the out-of-state bank or trust company is eligible so to act;

(10) Notwithstanding subdivision (8) of this subsection, to facilitate interstate reciprocity under this section, the director may enter a memorandum of understanding with the bank or trust company regulator of another jurisdiction to accept the capital requirements of that jurisdiction in lieu of the Missouri minimum capital or bond requirements set forth in subdivision (8) of this

subsection and establish such other terms to assure reciprocal interstate treatment for Missouri chartered bank or trust companies in that jurisdiction.

5. A certificate of reciprocity issued to any out-of-state bank or trust company shall remain in effect until the out-of-state bank or trust company shall cease to be entitled under subsection 2 of this section to act in this state in the fiduciary capacity or capacities covered by the certificate, and thereafter until revoked by the director of finance. If at any time the out-of-state bank or trust company shall cease to be entitled under subsection 2 of this section to act in this state in the fiduciary capacity or capacities covered by the certificate, the director of finance shall revoke the certificate and give written notice of the revocation to the out-of-state bank or trust company. No revocation of any certificate of reciprocity shall affect the right of the out-of-state bank or trust company to continue to act in this state in a fiduciary capacity in estates or matters in which it has theretofore begun to act in a fiduciary capacity pursuant to the certificate.

6. An out-of-state bank or trust company shall not establish or maintain a trust representative office, facility, branch, or other physical location in this state for the conduct of business as a fiduciary unless:

(1) The out-of-state bank or trust company is under the control of a Missouri bank or a Missouri bank holding company**[**, as these terms are defined in section 362.925,**]** and the out-of-state bank or trust company has complied with the requirements relating to the qualifications of out-of-state bank or trust company to do business in this state;

(2) The out-of-state bank or trust company is a bank, trust company or national banking association in good standing that possesses fiduciary powers from its chartering authority and is the surviving corporation to a merger or consolidation with a national banking association located in Missouri or a Missouri bank or trust company or is otherwise authorized by federal law to establish a branch in Missouri. The provisions of this subdivision are enacted to implement subsection 2 of this section and section 362.610, and the provisions of Title 12, U.S.C. Section 36 of the National Bank Act and other applicable federal law; or

(3) The out-of-state bank or trust company is a state-chartered bank, savings and loan association, trust company, national banking association, or thrift institution in good standing that possesses fiduciary powers and has received a certificate of reciprocity, in which case it may open a trust representative office, facility, branch, or other physical location in Missouri, provided a bank, savings and loan association or trust company chartered under the laws of Missouri and a national bank or thrift institution with its principal location in Missouri, all with fiduciary powers, are permitted to open and operate such a trust representative office, facility, branch, or other physical location under the same or less restrictive conditions in the state in which the out-of-state bank or trust company is organized or has its principal office.

7. An out-of-state bank or trust company, insofar as it acts in a fiduciary capacity in this state pursuant to the provisions of this section, shall not be deemed to be transacting business in this state, if the out-of-state bank or trust company does not establish or maintain in this state a place of business, branch office, or agency for the conduct in this state of business as a fiduciary.

8. Every out-of-state bank or trust company to which a certificate of reciprocity shall have been issued shall be deemed to have appointed the director of finance to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the out-of-state bank or trust company acts in this state in any fiduciary capacity pursuant to the certificate of reciprocity. Service of the process shall be made by delivering a copy of the summons or other process, with a copy of the petition when service of the copy is required by law, to the director of finance or to any person in his or her office authorized by him to receive the service. The director of finance shall

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immediately forward the process, together with the copy of the petition, if any, to the out-of-state bank or trust company, by registered mail, addressed to it at the address on file with the director, or if there be none on file then at its last known address. The director of finance shall keep a permanent record in his or her office showing for all such process served, the style of the action or proceeding, the court in which it was brought, the name and title of the officer serving the process, the day and hour of service, and the day of mailing by registered mail to the out-of-state bank or trust company and the address to which mailed. In case the process is issued by a court, the same may be directed to and served by any officer authorized to serve process in the city or county where the director of finance shall have his or her office, at least fifteen days before the return thereof. If an out-of-state bank or trust company has established a trust representative office, trust facility, branch, or other physical location in the state of Missouri, that bank or trust company may also be served legal process at any such location by service upon any officer, agent, or employee at that location.

362.660. VERIFIED COPIES OF AGREEMENT AND PROCEEDINGS SHALL BE SUBMITTED TO FINANCE DIRECTOR. — A copy of the agreement so executed and the certified and verified copies of the proceedings of the respective boards of directors shall be submitted **[**in duplicate**]** to the finance director for his approval, and he shall have full power and authority to approve or disapprove the same; provided, that in case the director shall disapprove the agreements so submitted, the banks and trust companies which are parties thereto may submit another plan for a merger or a consolidation under the provisions of this chapter.

369.019. INCORPORATION, REQUIREMENTS, PROCEDURE, CONTENTS OF PETITION, FEES. — 1. Any five or more individuals, hereinafter referred to as incorporators, who are residents of this state may form an association to promote thrift and home financing. Any such association may be a mutual association or a capital stock association and shall have all the rights, powers, and privileges set out in sections 369.010 to 369.369, and shall be subject to all the restrictions, liabilities, and required approvals as provided in sections 369.010 to 369.369.

2. The incorporators shall file a petition for a certificate of incorporation, in such form as may be required, with the director of the division of finance. The petition shall be signed by the incorporators and shall be acknowledged before an officer competent to take acknowledgments of deeds. **[**Two copies of the proposed articles of incorporation, two copies of the proposed bylaws and the**]** **An** incorporation fee of five cents per one hundred dollars of the capital of a mutual association or of the authorized capital stock of a capital stock association shall accompany each petition.

3. The petition shall set forth:

(1) The names and addresses of the incorporators, the initial stockholders, if any, and the directors, with a statement of their character, experience, and general fitness to engage in the savings and loan business;

(2) An itemized statement of the estimated receipts and expenditures of the proposed association for the first year or such longer period as the director of the division of finance in the director's discretion may require; and

(3) A showing that there is a necessity for the proposed association in the area to be served by it.

4. The articles of incorporation shall set forth:

(1) The name of the proposed association;

(2) The address at which such association is to be located;

(3) If a mutual association, the amount of the initial account subscriptions to be paid in before commencing business, or, if a stock association, the amount to be paid in for its capital stock, which shall not be less than the amounts stated in section 369.034;

(4) The duration of its existence which shall be perpetual;

(5) The purposes of the proposed association;

(6) The number of directors which shall be not more than fifteen nor less than five;

(7) The names of the incorporators to be its directors until the first annual meeting; and

(8) Any other provisions, not inconsistent with law, which the incorporators may choose to insert.

5. The incorporators shall submit with their petition such additional statements, exhibits, maps and other data as the director of the division of finance may require, all of which shall be sufficiently detailed and comprehensive to enable the director of the division of finance to pass upon the petition as to the criteria set out in section 369.024.

369.059. AMENDMENT OF ARTICLES OF INCORPORATION, PROCEDURE. — Subject to the approval of the director of the division of finance, every association may amend its articles of incorporation upon the adoption of a resolution covering each amendment by the affirmative votes of a majority of the members of a mutual association or a majority of the stockholders of a capital stock association who are present in person or by proxy at any annual or special meeting of the members or stockholders. Each proposed amendment shall be filed with the director of the division of finance not less than thirty days prior to the date of such meeting. If the director of the division of finance finds that the proposed amendment is in conformity with the law, the director shall approve the amendment not less than fifteen days prior to the members' meeting. The resolution or resolutions, certified by the president and secretary of the association under its corporate seal as one instrument**[**, together with a fee of five dollars payable to the director of revenue,**]** shall be filed with the director of the division of finance **[**in quadruplicate**]**, who shall file **[**three copies thereof**]** **the documents** with the secretary of state **[**and forward the fee to the director of revenue**]** **with all required fees**, whereupon the secretary of state shall issue **[**in duplicate**]** and return to the association a certificate as to such amendment or amendments.

369.074. CONVERSION TO STATE ASSOCIATION, PROCEDURE, EFFECT OF. — At a meeting of the members of a mutual association or of the stockholders of a capital stock association, any federal association may convert itself into an association under sections 369.010 to 369.369 upon a vote of the majority of the votes of the members or of the stockholders cast in person or by proxy at such meeting. Copies of the minutes of the proceedings of the meeting of the members, verified by the affidavit of the secretary of the federal association, shall be filed in the office of the director of the division of finance and mailed to the Office of Thrift Supervision or any successor thereto within ten days after the meeting and shall be presumptive evidence of the holding and action of the meeting. At the meeting the members or stockholders also shall elect the persons to serve as directors of the association after conversion takes place. The persons so designated as directors shall execute **[**two copies of**]** **the** articles of incorporation in form as required by sections 369.010 to 369.369, together with **[**two copies of**]** **the** proposed bylaws, and deliver them to the director of the division of finance. If the director of the division of finance finds the articles of incorporation in proper form, the director shall endorse thereon the statement, "This association is a conversion from a federal association.", and forward **[**both copies of**]** the articles of incorporation to the secretary of state who, thereupon, shall issue a certificate of incorporation. The director of the division of finance, by regulation, may provide for the procedure to be followed in carrying out

the conversion of a federal association into an association under sections 369.010 to 369.369. All the provisions regarding property and other rights contained in section 369.069 shall apply in reverse manner to the conversion of a federal association into an association subject to sections 369.010 to 369.369. The association may continue to operate all branch offices and agencies. Neither the rights of creditors nor any liens upon the property of the federal association shall be impaired by the conversion.

369.079. MERGER OR CONSOLIDATION, PROCEDURE — ASSOCIATION MAY CHARTER INTERIM ASSOCIATION, WHEN, PROCEDURE. — 1. A mutual association may merge with another association or federal mutual association in the manner provided in subsections 1 to 8 of this section. The board of directors of each association shall, by resolution adopted by a majority vote of the members of each board, approve a plan of merger setting forth:

(1) The names of the associations proposing to merge, and the name of the association into which they propose to merge, which is herein designated as "the surviving association";

(2) The terms and conditions of the proposed merger and the mode of carrying it into effect;

(3) The manner and basis of converting the accounts of each merging association into accounts of the surviving association;

(4) A statement of any changes in the articles of incorporation of the surviving association to be effected by the merger;

(5) A statement of the contracts pertaining to the employment, or the retention as consultant, of officers and directors of the merged association; and

(6) Such other provisions with respect to the proposed merger as are deemed necessary or desirable by the boards of directors.

2. Any two or more domestic mutual associations or one or more domestic mutual associations and one or more federal associations may consolidate into a new domestic association in the following manner: The board of directors of each association shall, by resolution adopted by the majority vote of the members of each board, approve a plan of consolidation setting forth:

(1) The names of the associations proposing to consolidate, and the name of the new association into which they propose to consolidate, which is herein designated as "the new association";

(2) The terms and conditions of the proposed consolidation and the mode of carrying it into effect;

(3) The manner and basis of converting the accounts of each association into accounts of the new association;

(4) With respect to the new association, all of the statements required to be set forth in articles of incorporation for associations organized under sections 369.010 to 369.369;

(5) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable by the boards of directors.

3. The plan of merger or the plan of consolidation is subject to approval by the director of the division of finance as equitable to the members or account holders of the associations and as not impairing the usefulness and success of other properly conducted associations in the community. The board of directors of each association, upon approving the plan of merger or plan of consolidation, and upon receiving the approval of the director of the division of finance, shall, by resolution, unless the approval waives such requirement, direct that the plan be submitted to a vote at a meeting of members, which may be either an annual or a special meeting. The notice of such meeting, whether the meeting be an annual or special meeting, shall state the place, day, hour and

purpose of the meeting, and where a copy of the plan of merger or plan of consolidation may be examined.

4. At each such meeting a vote of the members entitled to vote in person or by proxy shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of a majority of the members present in person or by proxy, of each of the associations.

5. Upon such approval, articles of merger or articles of consolidation shall be executed in duplicate by each association by its president or a vice president, and verified by such person, and the corporate seal of each association shall be affixed thereto, attested by its secretary or an assistant secretary, and shall set forth:

(1) The plan of merger or the plan of consolidation;

(2) As to each association, the number of votes present at the meeting in person or by proxy;

(3) As to each association, the number of votes for and against such plan, respectively.

6. Duplicate originals of the articles of merger or articles of consolidation shall be delivered to the director of the division of finance. If the director of the division of finance finds that the articles conform to law, the director shall endorse the director's approval thereon and deliver them to the secretary of state who shall, when all required taxes or fees have been paid, file the same, keeping one copy as a permanent record, and issue a certificate of merger or a certificate of consolidation and a certified copy of such certificate, to which the director shall affix the other copy of the articles.

7. Upon the issuance of the certificate of merger or the certificate of consolidation by the secretary of state, the merger or consolidation shall be effected.

8. The certificate of merger and certified copy thereof, with a copy of the articles of merger affixed thereto by the secretary of state, or the certificate of consolidation and certified copy thereof, with a copy of the articles of consolidation affixed thereto by the secretary of state, shall be delivered to the surviving association or new association, as the case may be.

9. A capital stock association or federal capital stock association may merge with another association by compliance with the provisions and requirements of sections 351.410 to 351.458, subject to receipt of the approval of the director of the division of finance of the plan of merger prior to submission of such plan of merger to a vote of the stockholders of the respective associations. The criteria for approval may be established by the director of the division of finance by regulation who may waive the vote of the stockholders of any association in supervisory cases.

10. A mutual association may merge with a capital stock association or a federal capital stock association and a capital stock association may merge with a mutual association or a federal mutual association. If the surviving association is a mutual association, the merger procedures shall be in compliance with the provisions and requirements of subsections 1 to 8 of this section. If the surviving association is a capital stock association, the merger procedures shall be in compliance with the provisions and requirements of sections 351.410 to 351.458. Both classifications of merger are subject to the approval of the director of the division of finance of the plan of merger. The criteria, schedule and procedures for approval shall be established by the director of the division of finance who may waive the vote of the members or stockholders of any association in supervisory cases.

11. In connection with a merger or consolidation under this chapter, an association may charter an interim association to facilitate a corporate reorganization. A reorganizing association proposing to organize such an interim association must file a petition for certificate of incorporation of an interim association with the director of the division of finance for approval.

(1) The director of the division of finance may exempt an interim association from the sections of this chapter attendant to the chartering of an association which would unduly restrain the reorganizing association from timely consummation of the proposed reorganization.

(2) If the petition is approved, the director of the division of finance shall certify the director's approval of the petition in writing to the secretary of state along with the incorporation fee and **[**two copies of**]** the articles of incorporation. The secretary of state shall thereupon issue the certificate of incorporation.

(3) Criteria for approval, organization and operation of an interim association may be established by the director of the division of finance by regulation.

369.089. DISSOLUTION. — 1. Any association may, at any meeting of the members of a mutual association or stockholders of a capital stock association, determine to liquidate and dissolve in accordance with the provisions of this section upon a two-thirds majority vote of all votes cast in person or by proxy. The notice of the meeting shall state that dissolution will be considered at the meeting.

2. Upon such vote, **[**five copies of**]** a certificate of liquidation, which shall state the vote cast in favor of liquidation, shall be signed by the president or vice president and attested by the secretary or assistant secretary and acknowledged before an officer competent to take acknowledgments of deeds. **[**Five copies of**]** The certificate shall be filed with the director of the division of finance, who shall examine the association, and, if the director finds that according to its financial records it is not in an impaired condition, shall so note, together with the director's approval of the liquidation**[**, upon all the copies of the certificate of liquidation. The director of the division of finance shall place a copy in the permanent files of the director's office, file a copy with the secretary of state, and return the remaining copies to the parties filing the same**]**.

3. Upon such approval, the association shall cease to carry on business but nevertheless shall continue as a corporate entity for the sole purpose of paying, satisfying, and discharging existing liabilities and obligations, collecting and distributing assets, and doing all other acts required to adjust, wind up and liquidate its business and affairs. If at any time following the approval of the liquidation the director of the division of finance finds that the liquidation is not in the public interest or is being carried out for an improper purpose, the director may take possession of the property, business and assets of the association in which event all the provisions of sections 369.339, 369.344, and 369.349 shall apply.

4. The board of directors shall act as trustees for liquidation as provided in this section. The board of directors shall proceed as quickly as may be practicable to wind up the affairs of the association and, to the extent necessary or expedient to that end, shall exercise all the powers of the dissolved association and, without prejudice to the generality of such authority, may fill vacancies, elect officers, carry out the contracts, make new contracts, borrow money, mortgage or pledge the property, sell its assets at public or private sale, or compromise claims in favor of or against the association, apply assets to the discharge of liabilities, after paying or adequately providing for the payment of other liabilities distribute the remaining property to the members of a mutual association and to the stockholders of a capital stock association, and perform all acts necessary or expedient to the winding up of the association. The expense fund, if any, shall be paid as provided in section 369.039. All deeds or other instruments shall be in the name of the association and executed by the president or a vice president and the secretary or an assistant secretary.

5. The association, during the liquidation of the assets of the association by the board of directors, shall continue to be subject to the supervision of the director of the division of finance,

and the board of directors shall report the progress of the liquidation to the director of the division of finance from time to time as the director may require.

6. (1) Any money due to but unclaimed by any person shall be deposited with the state treasurer as provided in sections 447.500 to 447.585.

(2) Upon the completion of the liquidation, the board of directors shall file with the director of the division of finance a final report and accounting of the liquidation. The approval of the report by the director of the division of finance shall operate as a complete and final discharge of the board of directors and each member thereof in connection with the liquidation of the association. No liquidation or any action of the board of directors in connection therewith shall impair any contract right between the association and any borrower or other person or persons or the vested rights of any member of the association. Upon approval of the report and accounting, the director of the division of finance shall issue to the secretary of state, in triplicate, certification that the association has been liquidated and dissolved, its indebtedness paid, and the net proceeds derived from liquidation distributed to its members or stockholders. The secretary of state shall issue a certificate of dissolution and the corporate existence of the association thereupon shall end.

7. Any association may with the written approval of the director of the division of finance transfer, sell, or exchange in bulk and not in the regular and usual course of its business all or substantially all of its assets, including its name and goodwill, to any other association or bank and accept as consideration therefor cash and accounts, or either of them, of the purchasing association or bank upon such terms as may be determined by the vote of a majority of the boards of the purchasing association or bank and of the selling association, and by the affirmative vote of two-thirds of the votes cast by the members or stockholders of the selling association present in person or by proxy at any meeting. The notice of the meeting shall state that such action is to be considered at the meeting. The action of the members shall include a resolution to liquidate, and liquidation shall proceed as provided in this section. If the name is sold, the purchasing association or bank shall have the exclusive right to the use of or to change to such name for a period of five years. The provisions of sections 369.010 to 369.369 concerning investments by associations do not apply to a transaction under this section. For purposes of this section, the term "bank" includes any bank or trust company subject to the provisions of chapter 362, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereto.

369.678. ARTICLES OF AGREEMENT, REQUIREMENTS, FILING, DIRECTOR'S DUTIES — RECORDING OF ARTICLES, WHERE. — The articles of agreement shall be signed and acknowledged by the parties to the articles of agreement, and **[**three copies of the articles**]** shall be filed with the director. If the director finds the articles to be improperly drawn, the director shall immediately return the articles to the parties indicating the corrections to be made. If the director finds the articles to be in proper form, the director shall **[**return two copies to the parties with an indication that the articles are approved as to form, and the parties shall immediately have one copy of the articles recorded in the office of the recorder of deeds in the county or city in which the savings bank is to be located and return the recorder's certificate of recording to the director**] approve the submittal**.

[361.140. PREPARATION OF INFORMATION FOR REPORT OF DEPARTMENT OF ECONOMIC DEVELOPMENT. — 1. The director of finance shall prepare the following information to be included in the report of the director of the department of insurance, financial institutions and professional registration:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) A summary of the state and condition of every corporation required to report to him or her and from which reports have been received or obtained pursuant to subsection 3 of section 361.130 during the preceding two years, at the several dates to which such reports refer, with an abstract of the whole amount of capital reported by them, the whole amount of their debts and liabilities and the total amount of their resources, specifying in the case of banks and trust companies the amount of lawful money held by them at the time of their several reports, and such other information in relation to such corporations as, in his or her judgment, may be useful;

(2) A statement of all corporations authorized by him or her to do business during the previous biennium with their names and locations and the dates on which their respective certificates of incorporation were issued, particularly designating such as have commenced business during the biennium;

(3) A statement of the corporations whose business has been closed either voluntarily or involuntarily, during the biennium, with the amount of their resources and of their deposits and other liabilities as last reported by them and the amount of unclaimed and unpaid deposits, dividends and interest held by him or her on account of each;

(4) A statement of the amount of interest earned upon all unclaimed deposits, dividends and interest held by him or her pursuant to the requirements of this chapter;

(5) Any amendments to this chapter, which, in his or her judgment, may be desirable;

(6) The names and compensation of the deputies, clerks, examiners, special agents and other employees employed by him or her, and the whole amount of the receipts and expenditures of the division during each of the last two preceding fiscal years.

2. All such reports shall be printed at the expense of the state and paid for as other public printing.**]**

Approved June 6, 2019

SCS SB 180

Enacts provisions relating to the Missouri works program.

AN ACT to repeal sections 620.2005, 620.2010, and 620.2020, RSMo, and to enact in lieu thereof three new sections relating to the Missouri works program.

SECTION

A.	Enacting clause.
620.2005	Definitions.
620.2010	Retention of withholding tax for new jobs, when — tax credits authorized, requirements — alternate incentives.
620.2020	Participation procedures, department duties, qualified company duties — maximum tax credits allowed, allocation — prohibited acts — report, contents — rulemaking authority — sunset date.

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

SECTION A. ENACTING CLAUSE. — Sections 620.2005, 620.2010, and 620.2020, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 620.2005, 620.2010, and 620.2020, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

620.2005. DEFINITIONS. — 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development;

(6) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(7) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely **[**perform**]** **performed** job duties within Missouri;

(8) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) **"Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;**

(10) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

[(10)**]** **(11) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:**

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the

industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(12) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

[(11)**]** **(13)** "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

[(12)**]** **(14)** "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

[(13)**]** **(15)** "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(14)**]** **(16)** "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

[(15)**]** **(17)** "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program;

[(16)**]** **(18)** "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

[(17)**]** **(19)** "Program", the Missouri works program established in sections 620.2000 to 620.2020;

[(18)**]** **(20)** "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period**. For qualified military projects, the term "project facility" means the military base or installation at which such qualified military project is or shall be located**;

[(19)**]** **(21)** "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

[(20)**]** **(22)** "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of **taxable** wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(21)**]** **(23)** "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

[(22)**]** **(24)** "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

[(23)**]** **(25)** "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any

payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62). Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

[(24)**]** **(26) "Qualified military project", the expansion or improvement of a military base or installation within this state that causes:**

(a) An increase of ten or more military or civilian support personnel:

a. Whose average salaries equal or exceed ninety percent of the county average wage; and

b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and

(b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit;

(27) "Related company", shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or **[**profits**]** **profit** interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)**]** **(28)** "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

[(26)**]** **(29)** "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month

period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

[(27)**]** **(30)** "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(28)**]** **(31)** "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(29)**]** **(32)** "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

[(30)**]** **(33)** "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages**[**; and

(31)**]**.

2. This section is subject to the provisions of section 196.1127.

620.2010. RETENTION OF WITHHOLDING TAX FOR NEW JOBS, WHEN — TAX CREDITS AUTHORIZED, REQUIREMENTS — ALTERNATE INCENTIVES. — 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision **[**(30)**]** **(33)** of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval.

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the

state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

3. Upon approval of a notice of intent to receive tax credits under subsections 2 and 5 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department; and

(4) Any other provisions the department may require.

4. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision **[**(30)**] (33)** of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

5. In addition to the benefits available under subsection 4 of this section, the department may award a qualified company that satisfies the provisions of subsection 4 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

6. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment at the project facility prior to receipt of a proposal for benefits under this section or approval of its notice of intent, whichever occurs first.

7. In lieu of any other benefits under this chapter, the department of economic development may award a tax credit to an industrial development authority for a qualified military project in an amount equal to the estimated withholding taxes associated with the civilian and military new jobs located at the facility and directly impacted by the project. The amount of the tax credit shall be calculated by multiplying:

(1) The average percentage of tax withheld, as provided by the department of revenue to the department of economic development;

(2) The average salaries of the jobs directly created by the qualified military project; and

(3) The number of jobs directly created by the qualified military project.

If the amount of the tax credit represents the least amount necessary to accomplish the qualified military project, the tax credits may be issued, but no tax credits shall be issued for a term longer than fifteen years. No qualified military project shall be eligible for tax credits under this subsection unless the department of economic development determines the qualified military project shall achieve a net positive fiscal impact to the state.

620.2020. PARTICIPATION PROCEDURES, DEPARTMENT DUTIES, QUALIFIED COMPANY DUTIES — MAXIMUM TAX CREDITS ALLOWED, ALLOCATION — PROHIBITED ACTS — REPORT, CONTENTS — RULEMAKING AUTHORITY — SUNSET DATE. — 1. The department shall respond to a written request, by or on behalf of a qualified company **or qualified military project**, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company **or qualified military project**, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company **or qualified military project** that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company

receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision **[**(18)**] (20)** of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company **or qualified military project** receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's **or industrial development authority's** tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company **or qualified military project** has not maintained the employee insurance as required, or if the number of jobs is below the number required, the qualified company **or qualified military project** shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company **or qualified military project** during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. Any qualified company **or qualified military project** approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company **or qualified military project** approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company **or qualified military project** under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department **or, for qualified military projects, annual verification of average salary for the jobs directly created by the qualified military project**. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company **or qualified military project** meets the applicable minimum new job requirements. In the event the qualified company **or qualified military project** does not meet the applicable minimum new job requirements, the qualified company **or qualified military project** may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company **or qualified military project** at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

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10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized

under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of **[**this**]** **the** reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.

Approved July 10, 2019

CCS HCS SB 182

Enacts provisions relating to incentives for interstate business relocation.

AN ACT to repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to incentives for interstate business relocation.

SECTION

A.	Enacting clause.
135.1670	Relocated jobs, eligibility for tax credits and financial incentives — director's duties — expiration date.

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

SECTION A. ENACTING CLAUSE. — Section 135.1670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.1670, to read as follows:

135.1670. RELOCATED JOBS, ELIGIBILITY FOR TAX CREDITS AND FINANCIAL INCENTIVES — DIRECTOR'S DUTIES — EXPIRATION DATE. — 1. As used in this section, the following terms mean:

(1) "Kansas border county", **[**Douglas,**]** Johnson, Miami, or Wyandotte County in Kansas;

(2) "Missouri border county", any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, or any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants in Missouri.

2. If any job that qualifies for a tax credit under sections 100.700 to 100.850 or under sections 135.100 to 135.258, for funding under section 620.1023, or for a tax credit or retention of state withholding taxes under sections 620.2000 to 620.2020, relocates to a Missouri border county from a Kansas border county, no tax credits shall be issued, funding provided, or retention of withholding taxes authorized for such job under such sections.

3. If the director of the Missouri department of economic development determines that the state of Kansas has enacted legislation or the governor of Kansas issued an executive order or similar action which prohibits the Kansas Department of Commerce or any other Kansas executive department from providing economic incentives for jobs that are relocated from a Missouri border county to a Kansas border county, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of subsection 2 of this section shall be effective unless otherwise provided in this section. The provisions of subsection 2 of this section shall not apply to incentives reserved on behalf of and awarded to Missouri employers prior to the provisions of subsection 2 of this section taking effect.

4. If the director of the Missouri department of economic development determines that the Kansas Department of Commerce or any other Kansas executive department is providing economic incentives for jobs that relocate from a Missouri border county to a Kansas border county, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of subsection 2 of this section shall not be effective until such time as the director determines that the Kansas Department of Commerce or any other Kansas executive department is not providing economic incentives for jobs that relocate from a Missouri border county to a Kansas border county, and the director has executed and delivered to the governor, the speaker of the house of **[**representative**]** **representatives**, and the president pro tempore of the senate a written certification of such determination and the parties receiving such certification provide an unanimous written affirmation.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. The director of the Missouri department of economic development shall notify the revisor of statutes of all changes in whether subsection 2 of this section is effective.

6. The provisions of this section shall expire August 28, **[**2016**]** **2021**, unless at such time the provisions of subsection 2 of this section are in effect. If the provisions of this section do not expire on August 28, **[**2016**]** **2021**, the provisions of this section shall expire on August 28, **[**2020**]** **2025**.

Approved June 11, 2019

SB 185

Enacts provisions relating to employer eligibility in the Missouri State Employees' Retirement System.

AN ACT to repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

SECTION

A.	Enacting clause.
215.030	Powers of commission — rulemaking, procedure.
260.035	Powers of authority.

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

SECTION A. ENACTING CLAUSE. — Sections 215.030 and 260.035, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 215.030 and 260.035, to read as follows:

215.030. POWERS OF COMMISSION — RULEMAKING, PROCEDURE. — 1. The commission is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its purpose, including but not limited to the following:

(1) To make, purchase or participate in the purchase of uninsured, partially insured or fully insured loans, including mortgages insured or otherwise guaranteed by the federal government, or mortgages insured or otherwise guaranteed by other insurers of mortgages to approved mortgagors to finance the building, rehabilitation or purchase of residential housing designed and planned to be available for rental or sale to low-income or moderate-income persons or families, as well as to finance the building, rehabilitation or purchase of residential housing in distressed communities as defined in section 135.530 planned to be available for rental or sale to persons or families of any income level, or which will be occupied and owned by low-income or moderate-income persons, persons of any income level in distressed communities or families upon such terms as designated in sections 215.010, 215.030, 215.060, 215.070, 215.090 and 215.160; or to purchase or participate in the purchase of any other securities which are secured, directly or indirectly, by any such loan;

(2) Insure any loan, the funds of which are to be used for the purposes of sections 215.010 to 215.250 and the borrower of which agrees to the restrictions placed on such projects by the commission;

(3) To make or participate in the making of uninsured or federally insured construction loans to approve mortgagors of residential housing for occupancy by persons and families of low to moderate income or occupancy by persons and families of any income level in distressed

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communities as defined in section 135.530. Such loans shall be made only upon determination by the commission that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions. No commitment for a loan, except a "commitment in principle", shall be made unless all plans for development have been completed and submitted to the commission;

(4) To make temporary loans, with or without interest, but with such security for repayment as the commission deems reasonably necessary and practicable, to defray development costs to approved mortgagors of residential housing for occupancy by persons and families of low and moderate income;

(5) Adopt bylaws for the regulation of its affairs and the conduct of its business and define, from time to time, the terms "low-income" and "moderate-income" so as to best carry out the purposes of sections 215.010 to 215.250 for the people intended hereby to be assisted. The definition may vary from one part of the state to another depending on economic factors in each section;

(6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;

(7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;

(8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative and project assistant services. Such fees and charges shall be limited to the amounts required to pay the costs of the commission, including operating and administrative expenses, and reasonable allowances for losses which may be incurred;

(9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or bank certificates of deposit, or, in the case of funds pledged to note or bond issues of the commission, in such investments as the commission may determine; provided that on the date of issuance such note or bond issues are rated by Standard & Poor's Corporation not lower than "AA" in the case of long-term obligations or "SP-1+" in the case of short-term obligations or rated by Moody's Investors Service, Inc., not lower than "Aa" in the case of long-term obligations or Moody's Investment Grade I in the case of short-term obligations, or the equivalent ratings by such rating agencies in the event the ratings described in this section are changed;

(10) To sue and be sued;

(11) To have a seal and alter the same at will;

(12) To make, and from time to time, amend and repeal bylaws, rules and regulations not inconsistent with the provisions of sections 215.010 to 215.250;

(13) To acquire, hold and dispose of personal property for its purposes;

(14) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization;

(15) To acquire real property, or an interest therein, in its own name, to sell, transfer and convey any such property to a buyer, to lease such property to a tenant to manage and operate such property, to enter into management contracts with respect to such property and to mortgage such property;

(16) To sell, at public or private sale, any mortgage, negotiable instrument or obligation securing a construction, land development, mortgage or temporary loan;

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(17) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(18) To consent, whenever it deems it necessary or desirable in the fulfillment of its purpose, to the modification of the rate of interest, time of payment or any installment of principal or interest, or any other terms, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the commission is a party;

(19) To make and publish rules and regulations respecting its lending, insurance of loans, federally insured construction lending and temporary lending to defray development costs and any such other rules and regulations as are necessary to effectuate its purpose;

(20) To borrow money to carry out and effectuate its purpose and to issue its negotiable bonds or notes as evidence of any such borrowing in such principal amounts and upon such terms as shall be necessary to provide sufficient funds for achieving its purpose, and to secure such bonds or notes by the pledge of revenues, mortgages or notes of others;

(21) To issue renewal notes, to issue bonds to pay notes, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured;

(22) To apply the proceeds from the sale of renewal notes or refunding bonds to the purchase, redemption, or payment of the notes or bonds to be refunded;

(23) To provide technical services to assist in the planning, processing, design, construction or rehabilitation of residential housing for occupancy by persons and families of low and moderate income, persons and families in distressed communities as defined in section 135.530 of any income level or land development for residential housing for occupancy by persons and families of low and moderate income or persons and families in distressed communities of any income level;

(24) To provide consultative project assistance services for residential housing for occupancy by persons and families of low and moderate income or persons and families of any income level in distressed communities as defined in section 135.530 and for land development for residential housing for occupancy by persons and families of low and moderate income, or for persons and families of any income level in distressed communities and for the residents thereof with respect to management, training and social services;

(25) To promote research and development in scientific methods of constructing low cost residential housing of high durability; and

(26) To make, purchase or participate in the purchase of uninsured, partially insured or fully insured loans and home improvement loans to sponsors to finance the weatherization of single and multifamily dwellings, and shall issue its negotiable bonds or notes for such purpose.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028 if applicable, after January 1, 1999. All rulemaking authority delegated prior to January 1, 1999, is of no force and effect and repealed as of January 1, 1999, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to January 1, 1999. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to January 1, 1999.

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3. All employees of the commission shall be eligible for membership in the Missouri state employees' retirement system, subject to all provisions in chapters 104 and 105 applicable to the system.

260.035. POWERS OF AUTHORITY. — 1. The authority is hereby granted and may exercise all powers necessary or appropriate to carry out and effectuate its purposes pursuant to the provisions of sections 260.005 to 260.125, including, but not limited to, the following:

(1) To adopt bylaws and rules after having held public hearings thereon for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal;

(3) To maintain a principal office and such other offices within the state as it may designate;

(4) To sue and be sued;

(5) To make and execute leases, contracts, releases, compromises and other instruments necessary or convenient for the exercise of its powers or to carry out its purposes;

(6) To acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease, finance and sell equipment, structures, systems and projects and to lease the same to any private person, firm, or corporation, or to any public body, political subdivision or municipal corporation. Any such lease may provide for the construction of the project by the lessee;

(7) To issue bonds and notes as hereinafter provided and to make, purchase, or participate in the purchase of loans or municipal obligations and to guarantee loans to finance the acquisition, construction, reconstruction, enlargement, improvement, furnishing, equipping, maintaining, repairing, operating or leasing of a project;

(8) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the foregoing limitations on investments shall not apply to proceeds acquired from the sale of bonds or notes which are held by a corporate trustee pursuant to section 260.060;

(9) To acquire by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder;

(10) To employ managers and other employees and retain or contract with architects, engineers, accountants, financial consultants, attorneys and such other persons, firms or corporations who are necessary in its judgment to carry out its duties, and to fix the compensation thereof;

(11) To receive and accept appropriations, bequests, gifts and grants and to utilize or dispose of the same to carry out its purposes pursuant to the provisions of sections 260.005 to 260.125;

(12) To engage in research and development with respect to pollution control facilities and solid waste or sewage disposal facilities, and water facilities, resource recovery facilities and the development of energy resources;

(13) To collect rentals, fees and other charges in connection with its services or for the use of any project hereunder;

(14) To sell at private sale any of its property or projects to any private person, firm or corporation, or to any public body, political subdivision or municipal corporation on such terms as it deems advisable, including the right to receive for such sale the note or notes of any such person to whom the sale is made. Any such sale shall provide for payments adequate to pay the principal of and interest and premiums, if any, on the bonds or notes issued to finance such project or portion thereof. Any such sale may provide for the construction of the project by the purchaser of the project;

(15) To make, purchase or participate in the purchase of loans to finance the development and marketing of:

(a) Means of energy production utilizing energy sources other than fossil or nuclear fuel, including, but not limited to, wind, water, solar, biomass, solid waste, and other renewable energy resource technologies;

(b) Fossil fuels and recycled fossil fuels which are indigenous energy resources produced in the state of Missouri, including coal, heavy oil, and tar sands; and

(c) Synthetic fuels produced in the state of Missouri;

(16) To insure any loan, the funds of which are to be used for the development and marketing of energy resources as authorized by sections 260.005 to 260.125;

(17) To make temporary loans, with or without interest, but with such security for repayment as the authority deems reasonably necessary and practicable, to defray development costs of energy resource development projects;

(18) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds and obligations, commitments, and other evidences of indebtedness made, issued or entered into to develop energy resources, and in connection with providing technical, consultative and project assistance services in the area of energy development. Such fees and charges shall be limited to the amounts required to pay the costs of the authority, including operating and administrative expenses, and reasonable allowance for losses which may be incurred;

(19) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association, or organization to carry out the provisions of sections 260.005 to 260.125;

(20) To sell, at public or private sale, any mortgage and any real or personal property subject to that mortgage, negotiable instrument, or obligation securing any loan;

(21) To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(22) To consent to the modification of the rate of interest, time of payment for any installment of principal or interest, or any other terms, of any loan, loan commitment, temporary loan, contract, or agreement made directly by the authority;

(23) To make and publish rules and regulations concerning its lending, insurance of loans, and temporary lending to defray development costs, along with such other rules and regulations as are necessary to effectuate its purposes. No rule or portion of a rule promulgated under the authority of sections 260.005 to 260.125 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024;

(24) To borrow money to carry out and effectuate its purpose in the area of energy resource development and to issue its negotiable bonds or notes as evidence of any such borrowing in such principal amounts and upon such terms as shall be determined by the authority, and to secure such bonds or notes by the pledge of revenues, mortgages, or notes of others as authorized by sections 260.005 to 260.125.

2. The authority shall develop a hazardous waste facility if the study required in section 260.037 demonstrates that a facility is economically feasible. The facility, which shall not include a hazardous waste landfill, may be operated by any eligible party as specified in this section. The authority shall begin development of the facility by July 1, 1985.

3. All employees of the authority shall be eligible for membership in the Missouri state employees' retirement system, subject to all provisions in chapters 104 and 105 applicable to the system.

Approved June 6, 2019

HCS SB 196

Enacts provisions relating to the division of state parks.

AN ACT to repeal sections 253.080 and 253.403, RSMo, and to enact in lieu thereof three new sections relating to the division of state parks.

SECTION

A.	Enacting clause.
253.080	Director of natural resources may construct and operate facilities and collect fees for usage — concession contracts — limitations — renewal of contracts — advertising merchandise, permission required.
253.177	Rock Island Trail State Park endowment fund created — use of moneys — refunds, when.
253.403	Property, acquired how — condemnation prohibited.

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

SECTION A. ENACTING CLAUSE. — Sections 253.080 and 253.403, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 253.080, 253.177, and 253.403, to read as follows:

253.080. DIRECTOR OF NATURAL RESOURCES MAY CONSTRUCT AND OPERATE FACILITIES AND COLLECT FEES FOR USAGE — CONCESSION CONTRACTS — LIMITATIONS — RENEWAL OF CONTRACTS — ADVERTISING MERCHANDISE, PERMISSION REQUIRED. — 1. The director of the department of natural resources may construct, establish and operate suitable public services, privileges, conveniences and facilities on any land, site or object under the department's jurisdiction and control, and may charge and collect reasonable fees for the use of the same. The director may charge reasonable fees for supplying services on state park areas. Any facilities so constructed under this provision shall only be done by appropriated funds **unless the director has entered into an agreement with a donor to provide non-state funds as support funding for the project**.

2. The director may award by contract to any suitable person, persons, corporation or association the right to construct, establish and operate public services, privileges, conveniences and facilities on any land, site or object under the department's control for a period not to exceed twenty-five years with a renewal option, and may supervise and regulate any and all charges and fees of operations by private enterprise for supplying services and operating facilities on state park areas.

3. All contracts awarded under this section shall be entered into upon the basis of competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts shall be let by the director **[**at a regular meeting**]** after public notice of the time of the letting. All bids submitted prior to the **[**opening of the meeting**]** **bid closing** shall be considered. **For concession contracts**

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with expected annual gross receipts of twenty-five thousand dollars or more, advertisements for bids in daily or weekly newspapers shall be made by the director. The director shall accept the bid most favorable to the state from a responsible and reputable person but may, for good cause, reject any bid. **The director shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, whenever competing bids, in their entirety, are comparable.**

4. The director shall not enter into a contract or a renewal for a contract as provided in subsection 2 of this section for a period in excess of ten years unless the director determines that the extended contract period is necessary to allow the contractor to make substantial capital or other improvements to the site subject to the contract and such improvements are of sufficient value to the state to necessitate the longer contract term.

5. A good and sufficient bond conditioned upon the faithful performance of the contract and compliance with this law shall be required of all contractors, except that if the contractor states he **or she** is unable to provide a bond, the contractor shall place a cash reserve in an escrow account in an amount proportional to the volume of the contractor's business on the lands controlled by the department of natural resources.

6. Any person who contracts under this section with the state shall keep true and accurate records of his **or her** receipts and disbursements arising out of the performance of the contract and shall permit the **[**division of parks and recreation of the**]** department of natural resources **[**and the state director of revenue**]** to audit them. The **[**division of parks and recreation of the**]** department of natural resources **[**and the state director of revenue**]** shall audit the receipts and disbursement of each **concession** contract once every two years and upon the expiration of the **concession** contract. For the purpose of subsection 5 of this section and this subsection, no contract shall be deemed to extend to operations or management in more than one state park **unless the director has determined such extension to be in the best interest of the state based on an assessment of the needs of the state park system or the financial and operational history of the facility**.

7. No person shall be permitted to offer or advertise merchandise or other goods for sale or rental, or to maintain any concession, or use any park facilities, buildings, trails, roads or other state park property for commercial use except by written permission or concession contract with the department of natural resources; except that, the provisions of this subsection shall not apply to the normal and customary use of public roads by commercial and noncommercial organizations for the purpose of transporting persons or vehicles, including, but not limited to, canoes.

8. The director, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to any lands, sites, or objects under the department's control for a term not to exceed two years, through a commercial use permit, without soliciting competitive sealed bids. A commercial use permit shall not be considered to be a concession contract under this section, and no other subsection of this section shall be applicable to a commercial use permit except where expressly stated. Any commercial use permit shall be subject to terms and conditions established by the director and shall be limited to commercial operations with annual gross receipts of not more than one hundred thousand dollars resulting from services originating and provided solely within a state park or historic site pursuant to the commercial use permit, and which involve only incidental use of state park or historic site facility space or resources.

253.177. ROCK ISLAND TRAIL STATE PARK ENDOWMENT FUND CREATED — USE OF MONEYS — REFUNDS, WHEN. — 1. There is hereby created in the state treasury the "Rock Island Trail State Park Endowment Fund". The fund shall be administered by the

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department of natural resources. Any grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other assets to the department of natural resources for the operation, maintenance, development, or security of any portion of the former Chicago, Rock Island, and Pacific Railroad corridor located east of milepost 215.325 shall be deposited with the state treasurer to the credit of the fund. All income, interest, rights, or rent earned through the operation of the fund shall also be credited to the fund.

2. The Rock Island Trail State Park endowment fund shall be used by the department of natural resources for the purpose of operating, maintaining, developing, and securing any portion of the former Chicago, Rock Island, and Pacific Railroad corridor located east of milepost 215.325 that is owned, leased, or operated by the department of natural resources and for no other purpose. Any funds previously deposited into the state park earnings fund created in section 253.090 for such purpose are hereby transferred into the Rock Island Trail State Park endowment fund.

3. The state treasurer shall be the custodian of all moneys, bonds, securities, interests, and rights therein deposited in the state treasury to the credit of the Rock Island Trail State Park endowment fund and shall invest the moneys in the fund in a manner as provided by law.

4. Funds from the Rock Island Trail State Park endowment fund shall be expended, refunded, or transferred only upon appropriation by the general assembly. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

5. If the United States Surface Transportation Board vacates the Notice of Interim Trail Use (NITU) issued in a decision served on February 26, 2015, in docket number AB-1068 (Sub-No. 3X), any moneys in the fund may be refunded to the individuals or entities that have made contributions to the fund or may be transferred to a new trail sponsor or other entity that has accepted responsibility for management of any portion of the former Chicago, Rock Island, and Pacific Railroad corridor located east of milepost 215.325 as a public recreational trail under a new NITU subject to the National Trails System Act, 16 U.S.C. Section 1241, et seq.

253.403. PROPERTY, ACQUIRED HOW — CONDEMNATION PROHIBITED. — 1. From the moneys in the historic preservation revolving fund, upon appropriation by the general assembly, the department of natural resources may acquire, preserve, restore, hold, maintain or operate any historic properties, together with such adjacent or associated lands as may be necessary for their protection, preservation, maintenance or operation**, or may award grants to preserve, protect, or restore historic county courthouses and historic county courthouse grounds**. Acquisition of historic property may include acquiring the fee simple title or any lesser interest therein. Property may be acquired by gift, grant, bequest, devise, lease, purchase or otherwise, but not by condemnation.

2. The department of natural resources is authorized to award grants to preserve, protect, or restore historic county courthouses and historic county courthouse grounds in accordance with rules the department shall promulgate. The department of natural resources shall administer and act as the fiscal agent for the grant program and shall be responsible for receiving and reviewing grant applications and awarding any grants under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

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This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

Approved July 10, 2019

SS SCS SB 197

Enacts provisions relating to intoxicating liquor.

AN ACT to repeal sections 311.198 and 311.300, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor.

SECTION

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

SECTION A. ENACTING CLAUSE. — Sections 311.198 and 311.300, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 311.198 and 311.300, to read as follows:

311.198. PORTABLE REFRIGERATION UNITS, LEASE TO RETAIL LICENSEE, WHEN — REQUIREMENTS — DURATION OF LEASE — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease value equal to the cost of the unit to the brewer plus two percent of the total lease value as of the execution of the lease. Such portable refrigeration units shall remain the property of the brewer. The brewer may also enter into lease agreements with wholesalers, who may enter into sublease agreements with retail licensees in which the value contained in the sublease is equal to the unit cost to the brewer plus two percent of the total lease value as of the execution of the lease. If the lease agreement is with a wholesaler, the portable refrigeration units shall become the property of the wholesaler at the end of the lease period, which is to be defined between the brewer and the wholesaler. A wholesaler may not directly or indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall be responsible for maintaining adequate records of retailer payments to be able to verify fulfillment of lease agreements. No portable refrigeration unit may exceed forty cubic feet in storage space. A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit per retail location. Such portable refrigeration unit may bear in a conspicuous manner substantial advertising matter about a product or products of the brewer and shall be visible to consumers inside the retail outlet. Notwithstanding any other provision of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and from the portable refrigeration units. No dispensing

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equipment shall be attached to a leased portable refrigeration unit, and no beer, wine, or intoxicating liquor shall be dispensed directly from a leased portable refrigeration unit. Any brewer or wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the division of the location, lease terms, and total cubic storage space of the units. The division is hereby given authority, including rulemaking authority, to enforce this section and to ensure compliance by having access to and copies of lease, payment, and portable refrigeration unit records and information.

2. Any lease or sublease executed under this section shall not exceed five years in duration and shall not contain any provision allowing for or requiring the automatic renewal of the lease or sublease.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

4. This section shall expire on January 1, **[**2020**]** **2026**. Any lease or sublease executed under this section prior to January 1, **[**2020**]** **2026**, shall remain in effect until the expiration of such lease or sublease.

311.300. PERSONS EIGHTEEN YEARS OF AGE OR OLDER MAY SELL OR HANDLE INTOXICATING LIQUOR, WHEN. — 1. Except as provided in **[**subsections 2, 3 and 4 of**]** this section, no person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor.

2. In any place of business licensed in accordance with section 311.200, persons at least eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one years. Any licensee who employs any person under the age of twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years of age or older on the licensed premises during all hours of operation.

3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

4. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen years of age to**:**

(1) Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor**; and**

(2) Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one years of age or older.

[4.**]** **5.** Persons eighteen years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for

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consumption on the premises if at least fifty percent of all sales in those places consists of food; provided that nothing in this section shall authorize persons under twenty-one years of age to mix or serve across the bar intoxicating beverages.

Approved June 6, 2019

HCS SCS SB 203

Enacts provisions relating to property regulations in certain cities and counties.

AN ACT to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, and 88.770, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

SECTION

A.	Enacting clause.
82.462	Abandoned property, right to enter by nonowners and lienholders, purpose — immunity from liability, when — abandoned property defined — applicability to certain cities and county.
82.1025	Nuisance action for deteriorated property (Jefferson, Platte, Franklin, and St. Louis counties, Springfield, St. Louis, Kansas City).
82.1027	Definitions.
82.1028	Applicability to St. Louis City and Kansas City.
82.1029	Abatement of a nuisance, neighborhood organization may seek injunctive relief, when, procedure.
82.1030	Statutes not to abrogate any equitable right or remedy — standing not granted, when.
82.1031	Action prohibited if owner in good faith compliance.
88.770	Street lighting system — electric or gas works.
1	Building permit inspections waived if licensed engineer inspects footing, foundation, walls, and framing, when, inspection forms.

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

SECTION A. ENACTING CLAUSE. — Sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, and 88.770, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 82.462, 82.1025, 82.1027, 82.1030, 82.1031, 88.770, and section 1, to read as follows:

82.462. ABANDONED PROPERTY, RIGHT TO ENTER BY NONOWNERS AND LIENHOLDERS, PURPOSE — IMMUNITY FROM LIABILITY, WHEN — ABANDONED PROPERTY DEFINED — APPLICABILITY TO CERTAIN CITIES AND COUNTY. — 1. Except as provided in subsection 3 of this section, a person who is not the owner of real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned may enter upon the premises of the real property, without having a right to a mechanics lien pursuant to section 429.010, to do the following:

(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be abandoned;

(2) Upon a good faith determination based upon the inspection that the property is abandoned, perform any of the following actions:

(a) Secure the real property;

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(b) Remove trash or debris from the grounds of the real property;

(c) Landscape, maintain, or mow the grounds of the real property;

(d) Remove or paint over graffiti on the real property.

2. A person who enters upon the premises and conducts the actions permitted in subsection 1 of this section and who makes a good faith determination based upon the inspection that the property is abandoned shall be:

(1) Immune from claims of civil and criminal trespass and all other civil liability therefor, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

(2) Barred from bringing a civil action against the property owner seeking damages as a result of physical injury, unless the property owner's act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

3. In the case of real property that is subject to a mortgage or deed of trust, the creditor holding the debt secured by the mortgage or deed of trust may not enter upon the premises of the real property under subsection 1 of this section if entry is barred by an automatic stay issued by a bankruptcy court.

4. As used in this section, "abandoned property" shall mean:

(1) A vacant, unimproved lot zoned residential or commercial for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance; or

(2) With respect to actions taken pursuant to this section by a creditor holding a lien interest in the property, a property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section and the creditor's debt secured by such lien interest has been continuously delinquent for not less than three months; or

(3) With respect to actions taken pursuant to this section by persons other than creditors, a property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section, and for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance, and for which either:

(a) Ad valorum property taxes are delinquent; or

(b) The property owner has failed to comply with any county or municipal ordinance requiring registration of vacant property, or the county or municipality has determined the structure to be uninhabitable due to deteriorated conditions;

5. This section shall apply only to real property located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, in any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, and in any city not within a county.

82.1025. NUISANCE ACTION FOR DETERIORATED PROPERTY (JEFFERSON, PLATTE, FRANKLIN, AND ST. LOUIS COUNTIES, SPRINGFIELD, ST. LOUIS, KANSAS CITY). — 1. **[**This Section applies**]** **Sections 82.1025, 82.1027 and 82.1030 apply** to a nuisance located within the boundaries of **[**any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, in any county of

the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in**]** any city not within a county **[**and**]** **or** in any **home rule** city with at least three hundred fifty thousand inhabitants which is located in more than one county.

2. **[**A parcel of property is a nuisance, if such property adversely affects the property values of a neighborhood or the property value of any property within the neighborhood because the owner of such property allows the property to be in a deteriorated condition, due to neglect or failure to reasonably maintain, violation of a county or municipal building code, standard, or ordinance, abandonment, failure to repair after a fire, flood or some other damage to the property or because the owner or resident of the property allows clutter on the property such as abandoned automobiles, appliances or similar objects.**]** Any property owner who owns property within one thousand two hundred feet of a parcel of property which is alleged to be a nuisance may bring a nuisance action **under this section** against the offending property owner for the amount of damage created by such nuisance to the value of the petitioner's property, including diminution in value of the petitioner's property, and court costs**[**, provided that the owner of the property which is alleged to be a nuisance has received notification of the alleged nuisance and has had a reasonable opportunity, not to exceed forty-five days, to correct the alleged nuisance. This section is not intended to abrogate, and shall not be construed as abrogating, any remedy available under the common law of private nuisance**]**.

3. An action for injunctive relief to abate a nuisance **[**under this section**]** may be brought **under this section** by:

(1) Anyone who owns property within one thousand two hundred feet to a property which is alleged to be a nuisance; or

(2) A neighborhood organization, as defined in **[**subdivision (2) of**]** section 82.1027, on behalf of any person or persons who own property within the boundaries of the neighborhood or neighborhoods described in the articles of incorporation or bylaws of the neighborhood organization and who could maintain a nuisance action under this section or under the common law of private nuisance, or on its own behalf with respect to a nuisance on property anywhere within the boundaries of the neighborhood or neighborhoods.

4. An action shall not be brought under this section until sixty days after the party who brings the action has sent written notice of intent to bring an action under this section by certified mail, return receipt requested, postage prepaid to:

(1) The tenant, if any, or to "occupant" if the identity of the tenant cannot be reasonably ascertained, at the property's address; and

(2) The property owner of record at the last known address of the property owner on file with the county or city, or, if the property owner is a corporation or other type of limited liability company, to the property owner's registered agent at the agent's address of record;

that a nuisance exists and that legal action may be taken against the owner of the property **if the nuisance is not eliminated within sixty days after the date on the written notice**. If the notice sent by certified mail is returned unclaimed or refused, designated by the post office to be undeliverable, or signed for by a person other than the addressee, then adequate and sufficient notice **[**may be given to the tenant, if any, and the property owner of record by sending a copy of the notice by regular mail to the address of the property owner or registered agent and**]** **shall be provided by** posting a copy of the notice on the property where the nuisance allegedly is occurring. A sworn affidavit by the person who mailed or posted the notice describing the date and manner

that notice was given shall be **[**prima facie**]** **sufficient** evidence **[**of the giving of such notice**]** **to establish that the notice was given**. The notice shall specify:

(a) The act or condition that constitutes the nuisance;

(b) The date the nuisance was first discovered;

(c) The address of the property and location on the property where the act or condition that constitutes the nuisance is allegedly occurring or exists; and

(d) The relief sought in the action.

5. **[**When a neighborhood organization files a suit under this section, an officer of the neighborhood organization or its counsel shall certify to the court:

(1) From personal knowledge, that the neighborhood organization has taken the required steps to satisfy the notice requirements under this section; and

(2) Based on reasonable inquiry, that each condition precedent to the filing of the action under this section has been met.

6. A neighborhood organization may not bring an action under this section if, at the time of filing suit, the neighborhood organization or any of its directors own real estate, or have an interest in a trust or a corporation or other limited liability company that owns real estate, in the city or county in which the nuisance is located with respect to which real property taxes are delinquent or a notice of violation of a city code or ordinance has been issued and served and is outstanding.

7. This section is not intended to abrogate, and shall not be construed as abrogating, any remedy available under the common law of private nuisance.**]** **A copy of a notice of citation issued by the city or county that shows the date the citation was issued shall be prima facie evidence of whether and for how long a citation has been pending against the property or the property owner.**

6. A proceeding under this section shall:

(1) Be heard at the earliest practicable date; and

(2) Be expedited in every way.

7. When a property owner or neighborhood organization brings an action under this section for injunctive relief to abate a nuisance, a prima facie case for injunctive relief shall be made upon proof that a nuisance exists on the property. Such an action shall not require proof that the party bringing the action has sustained damage or loss as a result of the nuisance.

8. With respect to an action under this section against the owner of commercial or industrial property, when a property owner or neighborhood organization bringing the action prevails in such action, such property owner or organization may be entitled to an award for its reasonable attorneys' fees and expenses, as ordered by the court, incurred in bringing and prosecuting the action, which award for attorneys' fees and expenses shall be entered as a judgment against the owner of the property on which the act or condition constituting the nuisance occurred or was located.

9. Property owners bringing a lawsuit based on the prima facie case standard under subsections 5 and 7 of this section, or seeking attorney fees and expenses under subsection 8 of this section, shall be limited to lawsuits involving property ownership in any home rule city with more than three hundred fifty thousand inhabitants and located in more than one county or any city not within a county and shall otherwise be limited to the general standards for nuisance applying to other political subdivisions under section 1 of this section.

82.1027. DEFINITIONS. — As used in **[**sections 82.1027 to**]** **section 82.1025 and sections 82.1027 to** 82.1030, the following terms mean:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) "Code or ordinance violation", a violation under the provisions of a municipal code or ordinance of any home rule city with more than four hundred thousand inhabitants and located in more than one county, or any city not within a county, which regulates fire prevention, animal control, noise control, property maintenance, building construction, health, safety, neighborhood detriment, sanitation, or nuisances;

(2) "Neighborhood organization", **either:**

(a) A Missouri not-for-profit corporation **that:**

a. Is a bonafide community organization formed for the purpose of neighborhood preservation or improvement;

b. Whose articles of incorporation or bylaws specify that one of the purposes for which the corporation is organized is the preservation and protection of residential and community property values in **all or part of** a neighborhood or neighborhoods with geographic boundaries that conform to the boundaries of not more than two adjoining neighborhoods recognized by the planning division of the city or county in which the neighborhood or neighborhoods are located **[**provided that the corporation's articles of incorporation or bylaws provide that:

(a) The corporation has members;

(b) Membership shall be open to all persons who own residential real estate or who reside in the neighborhood or neighborhoods described in the corporation's articles of incorporation or bylaws subject to reasonable restrictions on membership to protect the integrity of the organization; however, membership may not be conditioned upon payment of monetary consideration in excess of twenty-five dollars per year; and

(c) Only members who own residential real estate or who reside in the neighborhood or neighborhoods described in the corporation's articles of incorporation or bylaws may elect directors or serve as a director**] in any home rule city with more than three hundred fifty thousand inhabitants and located in more than one county, or in any city not within a county**; **and**

c. Whose board of directors is comprised of individuals, at least half of whom maintain their principal residence in a neighborhood the organization serves as described in the organization's articles of incorporation or bylaws; or

(b) An organization recognized by the federal Internal Revenue Service as tax exempt under the provisions of Internal Revenue Code section 501(c)(3), or the corresponding section of any future tax code, which has had a contract with any home rule city with more than three hundred fifty thousand inhabitants and located in more than one county, or in any city not within a county to furnish housing related services in that municipality or county at any point during the five-year period preceding the filing of the action, and is in compliance with or completed such contract;

(3) "Nuisance", **[**within the boundaries of the neighborhood or neighborhoods described in the articles of incorporation or bylaws of the neighborhood organization, an act or condition knowingly created, performed, maintained, or permitted to exist on private property that constitutes a code or ordinance violation and that significantly affects the other residents of the neighborhood; and**] an activity or condition created, performed, maintained, or permitted to exist on private property that constitutes a code or ordinance violation, whether or not the property has been cited by the city or county in which the property is located; or, if the property is in a deteriorated condition, due to neglect or failure to reasonably maintain, abandonment, failure to repair after a fire, flood, or some other deterioration of the property, or there is clutter on the property such as abandoned automobiles, appliances, or similar objects; or, with respect to commercial, industrial, and vacant property, if the activity or condition on**

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

the property encourages, promotes, or substantially contributes to unlawful activity within three hundred feet of the property; and the activity or condition either:

(a) Diminishes the value of the neighboring property; or

(b) Is injurious to the public health, safety, security, or welfare of neighboring residents or businesses; or

(c) Impairs the reasonable use or peaceful enjoyment of other property in the neighborhood.

82.1030. STATUTES NOT TO ABROGATE ANY EQUITABLE RIGHT OR REMEDY — STANDING NOT GRANTED, WHEN. — 1. Subject to subsection 2 of this section, **[**sections**]** **section 82.1025 and sections** 82.1027 to **[**82.1029**]** **82.1030** shall not be construed as to abrogate any equitable or legal right or remedy otherwise available under the law to abate a nuisance.

2. **[**Sections**]** **Section 82.1025 and sections** 82.1027 to **[**82.1029**]** **82.1030** shall not be construed **[**as**]** to grant standing for an action challenging any zoning application or approval.

82.1031. ACTION PROHIBITED IF OWNER IN GOOD FAITH COMPLIANCE. — No action shall be brought under section 82.1025 **[**or**]** **and** sections 82.1027 to 82.1030 if the owner of the property that is the subject of the action is in good faith compliance with **[**any order**]** **all orders** issued by the department of natural resources, the United States Environmental Protection Agency, or the office of attorney general.

88.770. STREET LIGHTING SYSTEM — ELECTRIC OR GAS WORKS. — 1. The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with any person, association or corporation, either private or municipal, for the lighting of the streets and other public places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified by a majority of the voters of the city voting on the question and any renewal contract or extension shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works and the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and poles and such other apparatus and appliances as may be necessary for the efficient operation of such works. The board of aldermen may, in its discretion, grant the right to any person, persons or corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for a longer time than twenty years, but may be renewed for another period or periods not to exceed twenty years per period. Every initial grant shall be approved by a majority of the voters of the municipality voting on the question, and each renewal or extension of such rights shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to prevent the board of aldermen from contracting with any person, persons or corporation for furnishing the city with gas or electric lights in cities where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people, except that the board of aldermen

may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by the city including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question, except for the sale of a water or wastewater system, or the sale of a gas plant, which shall be authorized by a simple majority vote of the voters voting on the question. In the event of the proposed sale of a water or wastewater system, or a gas plant, the board of alderman shall hold a public meeting on such proposed sale at least thirty days prior to the vote. The municipality in question shall notify its customers of the informational meeting through radio, television, newspaper, regular mail, electronic mail, or any combination of notification methods to most effectively notify customers at least fifteen days prior to the informational meeting. **In advance of putting a proposed sale of a water or wastewater system or a gas plant before the voters, the board of aldermen may seek an appraisal as set forth in subsections 3 and 4 of section 393.320. The board may also seek and provide additional reasonable analyses to inform voters of such sale including, but not limited to, the impact of such sale on all city funds and revenues, other city services, and annexation. Nothing in this section shall be so construed as to discourage the board of aldermen from seeking multiple bids when considering the disposal of a water or wastewater system or a gas plant by sale.**

2. **The board of aldermen's determination of the fair market value of a water or wastewater system or a gas plant for the purposes of this section shall not be dispositive of the price of a water or wastewater system or a gas plant, which may be subject to negotiation by the board of aldermen.**

3. The board of aldermen may consider alternatives to disposing of a water or wastewater system or a gas plant by sale, including entering into a finance agreement, purchase agreement, management agreement, or lease agreement with another entity.

4. The board of aldermen may make available on its internet site, if such internet site exists, at least forty-five days prior to submitting a proposal for election pursuant to this section, a copy of the appraisal or additional reasonable analyses under subsection 1 of this section and the fair market value of a water or wastewater system or a gas plant. Such information may also be posted in the building where the board of aldermen has its monthly meetings.

5. The board of aldermen may make a good-faith effort to notify each property owner of the city and each ratepayer of a water or wastewater system or a gas plant of the proposal to dispose of the water or wastewater system or a gas plant, by sale through radio, television, newspaper, regular mail, electronic mail, or any combination of such notification methods. Such notice may also include instructions for locating a summary of the proposal and a summary of any appraisal and analyses as under subsection 1 of this section on the board of aldermen's internet site, if such internet site exists. In the event the board of aldermen does not have an internet site, the notice may inform the recipient that written copies of such information may be made available at the building where the board of aldermen has its monthly meetings.

6. Nothing in this section shall be construed as a violation of section 115.646, relating to the use of public funds to advocate, support, or oppose the ballot measure prescribed in subsection 7 of this section.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

7. The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:

Shall_____ (Indicate the property by stating whether electric distribution system, electric transmission lines or waterworks, etc.) be _____ (Indicate whether sold, leased or encumbered.)?

SECTION 1. BUILDING PERMIT INSPECTIONS WAIVED IF LICENSED ENGINEER INSPECTS FOOTING, FOUNDATION, WALLS, AND FRAMING, WHEN, INSPECTION FORMS. — In lieu of a political subdivision conducting building permit inspections of the new construction of a one or two family residential dwelling, the licensed engineer who sealed the ultimate submission of plans for the permit shall be allowed to conduct the footing, foundation, wall, and framing inspections in accordance with the procedures for such inspections established by the political subdivision. Such licensed engineer or architect shall report on such work by using the uniform inspection forms used by the political subdivision and shall submit such forms to the political subdivision.

[82.1028. APPLICABILITY TO ST. LOUIS CITY AND KANSAS CITY. — Sections 82.1027 to 82.1030 apply to a nuisance located within the boundaries of any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county.**]**

[82.1029. ABATEMENT OF A NUISANCE, NEIGHBORHOOD ORGANIZATION MAY SEEK INJUNCTIVE RELIEF, WHEN, PROCEDURE. — 1. A neighborhood organization, on behalf of a person or persons who own real estate or reside within one thousand two hundred feet of a property on which there is a condition or activity constituting a code or ordinance violation in the neighborhood or neighborhoods described in the articles of incorporation or the bylaws of the neighborhood organization, or on its own behalf with respect to a code or ordinance violation on property anywhere within the boundaries of the neighborhood or neighborhoods, may seek injunctive and other equitable relief in the circuit court for abatement of a nuisance upon showing:

(1) The notice requirements of this section have been satisfied; and

(2) The nuisance exists and has not been abated.

2. An action under this section shall not be brought until:

(1) Sixty days after the neighborhood organization sends written notice by certified mail, return receipt requested, postage prepaid, to the appropriate municipal code enforcement agency of the neighborhood organization's intent to bring an action under this section, together with a copy of the notice the neighborhood organization sent or attempted to send to the property owner in compliance with subdivision (2) of subsection 2 of this section; and

(2) Sixty days after the neighborhood organization sends notice by first class prepaid postage certified mail, return receipt requested, to:

(a) The tenant, if any, or to "occupant" if the identity of the tenant cannot be reasonably ascertained, at the property's address; and

(b) The property owner of record at the last known address of the property owner on file with the county or city, or, if the property owner is a corporation or other type of limited liability company, to the property owner's registered agent at the registered agent's address of record;

that a nuisance exists and that legal action may be taken if the nuisance is not abated. If the notice sent by certified mail is returned unclaimed or refused, designated by the post office to be

undeliverable, or signed for by a person other than the addressee, then adequate and sufficient notice may be given to the tenant, if any, and the property owner of record by sending a copy of the notice by regular mail to the address of the property owner or registered agent and posting a copy of notice on the property where the nuisance allegedly is occurring.

3. A sworn affidavit by the person who mailed or posted the notice describing the date and manner that notice was given shall be prima facie evidence of the giving of such notice.

4. The notice required by this section shall specify:

(1) The act or condition that constitutes the nuisance;

(2) The date the nuisance was first discovered;

(3) The address of the property and location on the property where the act or condition that constitutes the nuisance is allegedly occurring or exists; and

(4) The relief sought in the action.

5. In filing a suit under this section, an officer of the neighborhood organization or its counsel shall certify to the court:

(1) From personal knowledge, that the neighborhood organization has taken the required steps to satisfy the notice requirements under this section; and

(2) Based on reasonable inquiry, that each condition precedent to the filing of the action under this section has been met.

6. An action may not be brought under this section based on an alleged violation of a particular code provision or ordinance if there is then pending against the property or the owner of the property a notice of violation with respect to such code provision or ordinance issued by an appropriate municipal code enforcement agency unless such notice of violation has been pending for more than forty-five days and the condition or activity that gave rise to the violation has not been abated. This subsection shall not preclude an action under this section where the appropriate municipal code enforcement agency has declined to issue a notice of violation against the property or the property owner.

7. A neighborhood organization may not bring an action under this section if, at the time of filing suit, the neighborhood organization or any of its directors own real estate, or have an interest in a trust or a corporation or other limited liability company that owns real estate, in the city or county in which the nuisance is located with respect to which real property taxes are delinquent or a notice of violation of a city code or ordinance has been issued and served and is outstanding.

8. A copy of the notice of citation issued by the city that shows the date the citation was issued shall be prima facie evidence of whether and for how long a citation has been pending against the property or the property owner.

9. A proceeding under this section shall:

(1) Be heard at the earliest practicable date; and

(2) Be expedited in every way.**]**

Approved July 9, 2019

HCS SS SB 210

Enacts provisions relating to state designations.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

AN ACT to amend chapter 10, RSMo, by adding thereto six new sections relating to state designations.

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

SECTION A. ENACTING CLAUSE. — Chapter 10, RSMo, is amended by adding thereto six new sections, to be known as sections 10.105, 10.190, 10.200, 185.070, 227.549, and 1, to read as follows:

10.105. PAWPAW TREE DESIGNATED AS STATE FRUIT TREE. — The pawpaw tree (*asimina triloba*) is designated as the state fruit tree of Missouri.

10.190. MISSOURI "SHOW ME" TARTAN DESIGNATED AS OFFICIAL STATE TARTAN. — The Missouri "Show Me" tartan is selected for and shall be known as the official tartan of the state of Missouri. The tartan colors of blue, brown, and silver are derived from the eastern bluebird, the Missouri mule and bear on the state flag, and the crescent moon, representing vigilance and justice, valor, purity, steadfastness, hope, and strength. The thread count for the official tartan is G6, DT4, G4, DT4, B4, DT4, B6, A6, R4, W4, G8, W4, R4, A6, B6, DT4, B4, DT4, G4, DT4, G6, DT4, G16, DT12, G16, A4, G16, DT12, G16, DT4, where A = Aegean Blue, R = Garnet, DB = Admiral, DT = Umber, G = Bottle Green, W = White. The thread count for the official dress version of the Show Me tartan is G6, DT4, G4, DT4, B4, DT4, B6, A6, R4, W4, G8, W4, R4, A6, B6, DT4, B4, DT4, G4, DT4, G6, DT4, G16, DT12, W16, A4, W16, DT12, G16, DT4.

10.200. HELLBENDER SALAMANDER, SNOT OTTER, OR LASAGNA LIZARD DESIGNATED AS OFFICIAL STATE ENDANGERED SPECIES. — The *Cryptobranchus alleganiensis*, also known as the hellbender salamander, snot otter, or lasagna lizard, is selected for and shall be known as the official endangered species for the state of Missouri.

185.070. MISSOURI HISTORICAL THEATER ESTABLISHED — DEFINITIONS — ADMINISTRATION, CRITERIA — CERTIFICATE, LIST OF THEATERS DESIGNATED — RULEMAKING AUTHORITY. — 1. There is hereby established the designation of "Missouri Historical Theater".

2. As used in this section, the following terms mean:

(1) "Missouri state council on the arts" or "council", as established in section 185.010;

(2) "Theater", a 501(c)(3) organization that produces plays, musicals, and other dramatic performances.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. The council shall administer the Missouri historical theater program including, but not limited to, creating application forms, establishing a time line for applications, announcing theaters receiving the designation, creating a process to ensure theaters who receive the designation maintain eligibility, and establishing an application fee to cover the costs of administering the program and providing the certificate in subsection 5.

4. The council shall use the following criteria to determine which theaters should receive the state historical theater designation:

(1) The theater is a 501(c)(3) not-for-profit organization;

(2) The theater produces a minimum of three shows open to the public each year;

(3) The extent to which the theater contributes to tourism in Missouri;

(4) The extent to which the theater promotes the arts in its community and throughout Missouri; and

(5) The theater has been operational for a minimum of fifty years.

5. All theaters selected for the state historical theater designation shall receive a certificate, suitable for framing, from the council.

6. Each year, the council shall provide a list of theaters that have the state historical theater designation to the division of tourism.

7. With the advice of the Missouri state council on the arts, the director of the department of economic development may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

227.549. WAYLON JENNINGS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY P IN ST. CHARLES COUNTY. — The portion of State Highway P from Dove Nest Lane continuing east to State Highway M in St. Charles County shall be designated as "Waylon Jennings Memorial Highway". Costs for such designation shall be paid by private donations.

SECTION 1. ST. LOUIS BLUES, OFFICIAL STATE HOCKEY TEAM. — The St. Louis Blues is selected for and shall be known as the official state hockey team of Missouri.

Approved July 11, 2019

SS SB 213

Enacts provisions relating to the nonpartisan state demographer, with penalty provisions.

AN ACT to repeal section 105.483, RSMo, and to enact in lieu thereof five new sections relating to the nonpartisan state demographer, with penalty provisions.

SECTION

A. Enacting clause.
105.483 Financial interest statements — who shall file, exception.
127.010 Definitions.
127.020 State demographer, prohibited acts — limitation on lobbying — financial interest statement requirements.
127.030 Redistricting public comment portal established, purpose — receipt of information through portal — disclosure form — recordkeeping.
127.040 Violations — civil investigation, procedure - failure to comply or violations, procedure.

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

SECTION A. ENACTING CLAUSE. — Section 105.483, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 105.483, 127.010, 127.020, 127.030, and 127.040, to read as follows:

105.483. FINANCIAL INTEREST STATEMENTS — WHO SHALL FILE, EXCEPTION. — Each of the following persons shall be required to file a financial interest statement:

(1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of the supreme court, and candidates for any such office;

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for such elective office, except those running for or serving as county committee members for a political party pursuant to section 115.609 or section 115.611;

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official;

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

(5) The director and each assistant deputy director and the general counsel and the chief purchasing officer of each department, division and agency of state government;

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

(7) Any member of a board or commission created by interstate compact or agreement, including the executive director and any Missouri resident who is a member of the bi-state development agency created pursuant to sections 70.370 to 70.440;

(8) Any board member of a metropolitan sewer district authorized under Section 30(a) of Article VI of the State Constitution;

(9) Any member of a commission appointed or operating pursuant to sections 64.650 to 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

(10) The members, the chief executive officer and the chief purchasing officer of each board or commission which enters into or approves contracts for the expenditure of state funds;

(11) Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or

employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

(12) Any person who is designated as a decision-making public servant by any of the officials or entities listed in subdivision (6) of section 105.450**;**

(13) Any person selected by the state auditor as an applicant to be considered by the majority leader and minority leader of the senate for the post of nonpartisan state demographer pursuant to article III, section 3 of the Missouri Constitution.

127.010. DEFINITIONS. — For purposes of this chapter, the following terms and phrases shall mean:

(1) "Demographer" or "nonpartisan state demographer", the nonpartisan state demographer appointed pursuant to article III, section 3 of the Missouri Constitution;

(2) "Interested party", any lobbyist, lobbyist principal, paid political consultant, state representative, state senator, or a spouse, dependent child, employee, or staff member of any such person or any organization having the primary or incidental purpose of influencing the redistricting process;

(3) "Lobbyist", shall have the same meaning as in section 105.470;

(4) "Lobbyist principal", shall have the same meaning as in section 105.470;

(5) "Redistricting process", the process of preparing and drawing state legislative districts pursuant to article III of the Missouri Constitution;

(6) "Redistricting public comment portal", the website established pursuant to section 127.030 for the purpose of allowing the nonpartisan state demographer to publicly receive comments, records, documents, maps, data files, communication, or information of any kind relating to the redistricting process;

(7) "Redistricting records", any comments, records, documents, maps, or information of any kind received by the demographer from a person or entity that is not the demographer and any comments, records, documents, maps, data files, communication, or information created by the demographer during the term of the demographer as part of the redistricting process.

127.020. STATE DEMOGRAPHER, PROHIBITED ACTS — LIMITATION ON LOBBYING — FINANCIAL INTEREST STATEMENT REQUIREMENTS. — 1. During the term of the nonpartisan state demographer, the demographer shall not:

(1) Accept directly or indirectly from any interested party a gift of any tangible or intangible item, service, or thing of value;

(2) Accept directly or indirectly from any source other than the state of Missouri any compensation, grants, stipends, retainers, or remuneration of any kind in connection with the redistricting process, including from any political campaign, political party committee, continuing committee, federal political action committee, or organization exempt from taxation pursuant to section 501(c) of the Internal Revenue Code of 1986, as amended;

(3) Employ, contract with, or delegate authority to, directly or indirectly, any other person or entity, including but not limited to counsel, to perform any work or analysis for the redistricting process, provided the demographer may consult with or request opinions from the office of attorney general. The demographer may additionally retain reasonably necessary technical and clerical assistance from the office of administration. All such legal

advice and technical and clerical assistance shall be disclosed pursuant to section 127.030; or

(4) Engage in written or oral communication regarding the redistricting process with any person or entity seeking to influence such process, provided that comments, records, documents, maps, data files, communication, and information of any kind may be received pursuant to section 127.030.

2. During the term of the demographer, the spouse and dependent children of such person shall not accept directly or indirectly from any interested party a gift of any tangible or intangible item, service, or thing of value.

3. The demographer shall be subject to all provisions of sections 105.452, 105.453, 105.454, and 105.456.

4. No person appointed to the post of demographer shall act, serve, or register as a lobbyist until two years after the expiration of the term to which he or she was appointed.

5. Any person selected by the state auditor as an applicant to be considered by the majority leader and minority leader of the senate for the post of demographer shall file with the Missouri ethics commission and the secretary of the senate the financial interest statement required by section 105.485 no later than fourteen days after the state auditor has delivered the list of applicants to the majority leader and minority leader of the senate. In filing such statement, the person shall additionally include the following information with respect to himself or herself and his or her spouse and dependent children:

(1) The name and address of each organization exempt from taxation pursuant to Sections 501(c) or 527 of the Internal Revenue Code of 1986, as amended, in which such person was an officer, director, employee, trustee, analyst, advisor, or fellow at any time during the two years preceding selection as an applicant to be considered as demographer, and for each such organization, a general description of the nature and purpose of the organization;

(2) The name and address of each organization exempt from taxation pursuant to Sections 501(c) or 527 of the Internal Revenue Code of 1986, as amended, from which such person received a grant or payment of any kind during the two years preceding selection as an applicant to be considered as demographer, and for each such organization, a general description of the nature and purpose of the organization.

127.030. REDISTRICTING PUBLIC COMMENT PORTAL ESTABLISHED, PURPOSE — RECEIPT OF INFORMATION THROUGH PORTAL — DISCLOSURE FORM — RECORDKEEPING. — 1. The nonpartisan state demographer shall establish a website, to be known as the "Redistricting Public Comment Portal", for the purpose of allowing the public acceptance of comments, records, documents, maps, data files, communication, or information of any kind relating to the redistricting process.

2. The nonpartisan state demographer shall accept comments, records, documents, maps, data files, communication, and information of any kind relating to the redistricting process solely through the redistricting public comment portal.

3. Any comments, records, documents, maps, data files, communication, or information of any kind submitted through the redistricting public comment portal by any person or entity shall be accompanied by a disclosure form that indicates whether:

(1) The person or entity making the submission was responsible in whole or in part for such submission; or

(2) A person or entity other than the person or entity making the submission contributed money that was intended to fund the preparation of the submission and, if so, the disclosure form shall additionally identify each such person or entity.

4. (1) All redistricting records shall be considered the property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided in sections 109.200 to 109.310.

(2) Any redistricting record shall be considered a "public record" as that term is defined in section 610.010.

(3) Upon the expiration of the term to which the demographer was selected, all redistricting records shall be deposited in the state records center and archives and shall be managed pursuant to sections 109.200 to 109.310.

127.040. VIOLATIONS — CIVIL INVESTIGATION, PROCEDURE - FAILURE TO COMPLY OR VIOLATIONS, PROCEDURE. — 1. When it appears to the attorney general that a person has violated any provision of this chapter or when he or she believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has violated this chapter, he or she may execute in writing and cause to be served upon any person who is believed to have information, documentary material, or physical evidence relevant to the alleged or suspected violation, a civil investigative demand requiring such person to appear and testify, or to produce relevant documentary material or physical evidence or examination, at such reasonable time and place as may be stated in the civil investigative demand. Service of any civil investigative demand, notice, or subpoena may be made by any person authorized by law to serve process or by any duly authorized employee of the attorney general.

2. Each civil investigative demand shall:

(1) State the statute and section thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(2) Describe the class or classes of information, documentary material, or physical evidence to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

(3) Prescribe a return date by which the information, documentary material, or physical evidence is to be produced; and

(4) Identify the members of the attorney general's staff to whom the information, documentary material, or physical evidence requested is to be made available.

3. No civil investigative demand shall:

(1) Contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state; or

(2) Require the disclosure of any documentary material that would be privileged or that, for any other reason, could not be required by a subpoena duces tecum issued by a court of this state.

4. Service of any civil investigative demand, notice, or subpoena may be made by:

(1) Delivering a duly executed copy thereof to the person to be served, or to a partner or any officer or agent authorized by appointment or by law to receive service of process on behalf of such person;

(2) Delivering a duly executed copy thereof to the principal place of business or the residence in this state of the person to be served;

(3) Mailing by registered or certified mail a duly executed copy thereof, addressed to the person to be served, at the principal place of business or the residence in this state or, if such person has no place of business or residence in this state, to his or her principal office or place of business or his or her residence; or

(4) The mailing thereof by registered or certified mail, requesting a return receipt signed by the addressee only, to the last known place of business, residence, or abode within or without this state of such person for whom the same is intended.

5. Documentary material, information, or physical evidence demanded pursuant to the provisions of this section shall be produced during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general.

6. A person upon whom a civil investigative demand is served pursuant to this section shall comply with the terms thereof unless otherwise provided by an order of a court. Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigative demand issued pursuant to this section, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any information, documentary material, or physical evidence in the possession, custody, or control of any person, that is the subject of any such civil investigative demand shall be guilty of a class A misdemeanor. The attorney general shall have original jurisdiction to enforce the provisions of this section.

7. (1) Whenever any person fails to comply with any civil investigative demand duly served upon him or her pursuant to this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the attorney general, through such officers or attorneys as he or she may designate, may file, in the trial court of general jurisdiction of a county or judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of such civil investigative demand.

(2) Notwithstanding subdivision (1) of this subsection to the contrary, if a person transacts business in more than one county or judicial district, a petition shall be filed in the county or judicial district in which such person maintains his or her principal place of business, or in such other county or judicial district as may be agreed upon by the parties to such petition.

(3) Whenever any petition is filed in the trial court of general jurisdiction of a county or judicial district pursuant to this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this chapter. Any final order so entered shall be subject to appeal to the supreme court. Any disobedience of any final order entered pursuant to this section by any court shall be punished as contempt.

8. (1) Whenever it appears to the attorney general that a person has violated, is violating, or is about to violate any provision of this chapter, he or she may issue and cause to be served upon such person, and any other person or persons concerned with or who, in any way, have participated, are participating, or are about to participate in such violation, an order prohibiting such person or persons from engaging or continuing to engage in such unlawful act.

(2) Prior to issuing an order pursuant to subdivision (1) of this subsection, the attorney general shall notify each person who will be subject to such order of:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(a) The statutory section which such person is alleged to have violated, be in the process of violating, or be about to violate; and

(b) The nature of the alleged violation.

(3) The person to whom such notice is given shall have two business days from the receipt of such notice to file an answer to such notice with the attorney general before the order authorized by this subsection may be issued.

9. All orders issued by the attorney general pursuant to subsection 8 of this section shall be signed by the attorney general or, in his or her absence, a duly authorized representative, and shall be served in the manner provided in subsection 4 of this section and shall expire of their own force ten days after being served.

10. Any person who has been duly served with an order issued pursuant to subsection 8 of this section and who willfully and knowingly violates any provision of such order while such order remains in effect, either as originally issued or as modified, shall be guilty of a class E felony. The attorney general shall have original jurisdiction to commence all criminal actions necessary to enforce this section.

11. (1) Whenever it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in any act prohibited by this chapter, the attorney general may seek and obtain, in an action in a circuit court, an injunction prohibiting such person from continuing such act, or engaging therein, or doing anything in furtherance thereof.

(2) In any action under subsection 1 of this section, and pursuant to the provisions of the Missouri Rules of Civil Procedure, the attorney general may seek and obtain temporary restraining orders, preliminary injunctions, temporary receivers, and the sequestering of any funds or accounts if the court finds that funds or property may be hidden or removed from the state or that such orders or injunctions are otherwise necessary.

(3) If the court finds that the person has engaged in, is engaging in, or is about to engage in any act prohibited by this chapter, it may make such orders or judgments as may be necessary to prevent such person from employing or continuing to employ, or to prevent the recurrence of, any acts prohibited by this chapter.

(4) The court, in its discretion, may appoint a receiver to ensure the conformance to any orders issued pursuant to subsection 3 of this section.

(5) The court may award to the state a civil penalty of not more than one thousand dollars per violation, provided that if the person who would be liable for such penalty shows, by a preponderance of the evidence, that a violation resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, no civil penalties shall be imposed.

(6) Any action pursuant to this subsection may be brought in the county in which the defendant resides, in which the violation alleged to have been committed occurred, or in which the defendant has his or her principal place of business.

(7) The attorney general may enter into consent judgments or consent injunctions with or without admissions of violations of this chapter. Violation of any such consent judgment or consent injunction shall be subject to a civil penalty of not more than five thousand dollars per violation, to be paid to the state.

Approved July 11, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

HCS SS # 4 SB 224

Modifies various Supreme Court Rules relating to discovery

AN ACT To amend supreme court rules 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

SECTION

A.	Enacting clause.
25.03	Misdemeanors or felonies - disclosure by state to defendant without court order.
56.01	General provisions governing discovery.
57.01	Interrogatories to parties.
57.03	Depositions upon oral examination.
57.04	Depositions upon written questions.
58.01	Production of documents and things and entry upon land for inspection and other purposes.
59.01	Request for and effect of admissions.
61.01	Failure to make discovery: sanctions.

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

SECTION A. ENACTING CLAUSE. — Supreme court rules 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, are amended, to read as follows:

25.03. MISDEMEANORS OR FELONIES - DISCLOSURE BY STATE TO DEFENDANT WITHOUT COURT ORDER. — Misdemeanors or Felonies-Disclosure by State to Defendant Without Court Order

(a) Disclosure upon filing of felony complaint. Except as otherwise provided in these Rules, the state shall, upon written request of defendant's counsel, disclose to defendant's counsel**[,]** the following material and information in the possession of the prosecutor: any arrest reports, incident reports, investigative reports, written or recorded statements, documents, photographs, video, electronic communications and electronic data that relate to the offense for which defendant is charged.

(b) Disclosure after indictment or filing of information. Except as otherwise provided in these Rules, the state shall, upon written request of defendant's counsel, disclose to defendant's counsel the following material and information within its possession or control designated in the request:

(1) Any arrest reports, incident reports, investigative reports, written or recorded statements, documents, photographs, video, electronic communications and electronic data that relate to the offense for which defendant is charged; **provided that, personal identifying information of persons named in such materials may be redacted at the discretion of the prosecutor;**

(2) The names and last known addresses of persons whom the state intends to call as witnesses at any hearing or at the trial, together with their written or recorded statements, and existing memoranda, reporting or summarizing part or all of their oral statements;

(3) Any written or recorded statements and the substance of any oral statements made by defendant, a co-defendant or a co-actor, a list of all witnesses to the making of the statements and a list of all witnesses to the acknowledgment of the statements including the last known addresses of the witnesses;

(4) Those portions of any existing transcript of grand jury proceedings that relate to the offense with which defendant is charged, containing testimony of defendant and testimony of persons whom the state intends to call as witnesses at a hearing or trial;

(5) Any existing transcript of the preliminary hearing and of any prior trial held in defendant's case if the state has the transcript in its possession;

(6) Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons;

(7) Any books, papers, documents, photographs, video, electronic communications, electronic data, or objects that the state intends to introduce into evidence at the hearing or trial or that were obtained from or belong to defendant; **provided that, personal identifying information of any person named in such materials, other than those obtained from the defendant, may be redacted at the discretion of the prosecutor;**

(8) Any record of prior criminal convictions of persons the state intends to call as witnesses at a hearing or the trial; and

(9) Any photographic or electronic surveillance (including wiretapping) of defendant or of conversations to which defendant was a party or of defendant's premises, relating to the offense charged. This disclosure shall be in the form of a written statement by counsel for the state briefly setting out the facts pertaining to the time, place, and persons making the photographic or electronic surveillance.

(c) The request provided for by this Rule shall be made by filing the request in the court where the case is pending and serving a copy of the request upon counsel for the state.

(d) The state may redact from any document it provides to defendant's counsel **[**the following information: taxpayer identification number, the first five digits of a social security number, driver's license number, financial account number, personal identification code (PIN), electronic password of a victim or witness, or the actual address or mailing address of a participant in an address confidentiality program administered by the Missouri Secretary of State,**]** **any personal identifying information of witnesses or other persons named in any document** but must do so in a manner that makes it clear that the information has been redacted.

(e) The state may elect to provide a separate copy of a redacted document to defendant's counsel to be delivered to defendant and designated as "Defendant's Copy." If the state provides a redacted document designated as "Defendant's Copy," in addition to the information permitted to be redacted pursuant to Rule 25.03(d), the state may also redact from "Defendant's Copy" of the document the following information: date of birth, home address, work address, and personal phone number and work phone number of a victim or witness. However, the redaction must be done in a manner that makes it clear the information has been redacted from the document. Defendant's counsel shall be provided a separate document designated as "Lawyer Copy Only – Not for Defendant" that includes the information that has been redacted from the document pursuant to Rule 25.03(e). If defendant's counsel is provided with a redacted document by the state designated as "Defendant's Copy," only that copy shall be provided to defendant. Defendant's counsel shall not provide to defendant the unredacted document or any information redacted from the document pursuant to this Rule without court approval. For any document designated "Defendant's Copy" or "Lawyer Copy Only – Not for Defendant," every page of the respective document shall be so designated.

(f) Defendant is not entitled to the information redacted from a document as provided in Rule 25.03(d) or (e) unless the court determines after a showing of good cause that the disclosure of the information is necessary for the defense of the case.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(g) The state shall, without written request, disclose to defendant any material or information that tends to negate the guilt of defendant for the charged offense, mitigate the degree of the offense charged, reduce the punishment of the offense charged, and any additional material or information that would be required to be disclosed to comply with Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972) and their progeny.

(h) If material or information would be discoverable under subsections (b) and (g) of this Rule if in the possession or control of the state, but is in possession or control of other governmental personnel, the state shall use diligence and make good faith efforts to make the material or information available to defendant. If the state's efforts are unsuccessful and the material or information or other governmental personnel are subject to the jurisdiction of the court, the court, upon request, shall issue subpoenas or orders to cause the material or information to be made available to the state for disclosure to the defense.

56.01. GENERAL PROVISIONS GOVERNING DISCOVERY. — General Provisions Governing Discovery

(a) Discovery Methods. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents, **electronically stored information,** or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

(b) Scope of Discovery. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) In General. Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter, **provided the discovery is proportional to the needs of the case considering the totality of the circumstances, including but not limited to, the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expenses of the proposed discovery outweighs its likely benefit**.

[It is not ground for objection that the information sought will be inadmissible at the trial**]** **Information within the scope of discovery need not be admissible in evidence to be discoverable** if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The party seeking discovery shall bear the burden of establishing relevance.

(2) **Limitations. Upon the motion of any party or on its own, the court must limit the frequency or extent of discovery if it determines that:**

(A) The discovery sought is cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;

(B) The party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or

(C) The proposed discovery is outside the scope permitted by this Rule 56.01(b)(1).

(3) Specific Limitations on Electronically Stored Information. A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or

for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 56.01(b)(2). The court may specify conditions for the discovery.

(4) Insurance Agreements. A party may obtain discovery of the existence and contents, including production of the policy and declaration page, of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment that may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this Rule **[**56.01(b)(2)**]** **56.01(b)(4)**, an application for insurance shall not be treated as part of an insurance agreement.

[(3)**]** **(5)** Trial Preparation: Materials. Subject to the provisions of Rule **[**56.01(b)(4)**]** **56.01(b)(6)**, a party may obtain discovery of documents and tangible things otherwise discoverable under Rule 56.01(b)(1) and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative, including an attorney, consultant, surety, indemnitor, insurer, or agent, only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the case and that the adverse party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. For purposes of this paragraph, a statement previously made is: (a) a written statement signed or otherwise adopted or approved by the person making it, or (b) a stenographic, mechanical, electrical, audio, video, motion picture or other recording, or a transcription thereof, of the party or of a statement made by the party and contemporaneously recorded.

[(4)**]** **(6)** Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of Rule 56.01(b)(1) and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial by providing such expert's name, address, occupation, place of employment and qualifications to give an opinion, or if such information is available on the expert's curriculum vitae, such curriculum vitae may be attached to the interrogatory answers as a full response to such interrogatory, and to state the general nature of the subject matter on which the expert is expected to testify, and the expert's hourly deposition fee.

(B) A party may discover by deposition the facts and opinions to which the expert is expected to testify. Unless manifest injustice would result, the court shall require that the party seeking discovery from an expert pay the expert a reasonable hourly fee for the time such expert is deposed.

[(5)**]** **(7)** Trial Preparations: Non-retained Experts. A party, through interrogatories, may require any other party to identify each non-retained expert witness, including a party, whom the other party expects to call at trial who may provide expert witness opinion testimony by providing the expert's name, address, and field of expertise. For the purpose of this Rule **[**56.01(b)(5)**]** **56.01(b)(7)**, an expert witness is a witness qualified as an expert by knowledge, experience, training, or education giving testimony relative to scientific, technical or other specialized

knowledge that will assist the trier of fact to understand the evidence. Discovery of the facts known and opinions held by such an expert shall be discoverable in the same manner as for lay witnesses.

[(6)**]** **(8)** Approved Interrogatories and Request for Production. A circuit court by local court rule may promulgate "approved" interrogatories and requests for production for use in specified types of litigation. Each such approved interrogatory and request for production submitted to a party shall be denominated as having been approved by reference to the local court rule and paragraph number containing the interrogatory or request for production.

(9) Claiming Privilege or Protecting Trial Preparation Materials.

(A) Information produced.

(i) If information produced in discovery is subject to a claim of privilege or of protection as trial preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

(ii) An attorney who receives information that contains privileged communications involving an adverse or third party and who has reasonable cause to believe that the information was wrongfully obtained shall not read the information or, if he or she has begun to do so, shall stop reading it. The attorney shall promptly notify the attorney whose communications are contained in the information to return the information to the other lawyer and, if in electronic form, delete it and take reasonable measures to assure that the information is inaccessible. An attorney who has been notified about information containing privileged communications has the obligation to preserve the information.

(B) The production of privileged or work-product protected documents, electronically stored information or other information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in the proceeding.

(c) Protective Orders. Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) that the discovery not be had;

(2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place **or the allocation of expenses**;

(3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;

(4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;

(5) that discovery be conducted with no one present except persons designated by the court;

(6) that a deposition after being sealed be opened only by order of the court;

(7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;

(8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

If a motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of Rule 61.01 apply to the award of expenses incurred in relation to the motion.

(d) Sequence and Timing of Discovery. Unless **the parties stipulate or** the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(e) Supplementation of Responses. A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

(f) Stipulations Regarding Discovery Procedure. Unless the court orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these Rules for other methods of discovery. Any stipulation under subdivision (2) shall be filed.

57.01. INTERROGATORIES TO PARTIES. — Interrogatories to Parties

(a) Scope. **Unless otherwise stipulated or ordered by the court,** any party may serve upon any other party **no more than 25** written interrogatories**, including all discrete subparts**. Interrogatories may relate to any matter that can be inquired into under Rule 56.01. An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

(b) Issuance.

(1) Form. Interrogatories shall be in consecutively numbered paragraphs. The title shall identify the party to whom they are directed and state the number of the set of interrogatories directed to that party.

(2) When Interrogatories May be Served. Without leave of court, interrogatories may be served on:

(A) A plaintiff after commencement of the action, and

(B) Any other party with or after the party was served with process, entered an appearance, or filed a pleading.

(3) Service. Copies of the interrogatories shall be served on all parties not in default. The party issuing the interrogatories shall also provide each answering party an electronic copy, in a commonly used medium such as a diskette, CD-ROM or as an e-mail attachment, in a format that can be read by most commonly used word processing programs, such as Word for Windows or WordPerfect 5.x or higher. In addition to the information normally in a certificate of service, the certificate of service shall also state:

(A) The name of each party who is to respond to the interrogatories;

(B) The number of the set of interrogatories,

(C) The format of the electronic copy and the medium used to transmit the electronic copy to the responding party.

At the time of service, a certificate of service, but not the interrogatories, shall be filed with the court as provided in Rule 57.01(d).

(c) Response. The interrogatories shall be answered by each party to whom they are directed. If they are directed to a public or private corporation, limited liability company, partnership, association or governmental agency, they shall be answered by an officer or agent. The party answering the interrogatories shall furnish such information as is available to the party.

(1) When the Response is Due. Responses shall be served within 30 days after the service of the interrogatories. A defendant, however, shall not be required to respond to interrogatories before the expiration of 45 days after the earlier of:

(A) The date the defendant enters an appearance, or

(B) The date the defendant is served with process.

The court may allow a shorter or longer time.

(2) Form. The title of the response shall identify the responding party and the number of the set of interrogatories. The response to the interrogatories shall quote each interrogatory, including its original paragraph number, and immediately thereunder state the answer or all reasons for not completely answering the interrogatory, including privileges, the work product doctrine and objections.

(3) Objections and Privileges. If information is withheld because of an objection, then each reason for the objection shall be stated. If a privilege or the work product doctrine is asserted as a reason for withholding information, then without revealing the protected information, the objecting party shall state information that will permit others to assess the applicability of the privilege or work product doctrine.

(4) Option to Produce Business Records. If the answer to an interrogatory may be derived or ascertained from:

(A) The business records of the party upon whom the interrogatory has been served, or

(B) An examination, audit or inspection of such business records, or

(C) A compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

(5) Signing. Answers shall be signed under oath by the person making them. Objections shall be signed by the attorney making them or by the self-represented party.

(6) Service. The party to whom the interrogatories were directed shall serve a signed original of the answers and objections, if any, on the party that issued the interrogatories and a copy on all parties not in default. The certificate of service shall state the name of the party who issued the interrogatories and the number of the set of interrogatories.

At the time of service, a certificate of service, but not the response, shall be filed with the court as provided in Rule 57.01(d).

(d) Filing. Interrogatories and answers under this Rule 57.01 shall not be filed with the court except upon court order or contemporaneously with a motion placing the interrogatories in issue. However, both when the interrogatories and answers are served, the party serving them shall file with the court a certificate of service.

The certificate shall show the caption of the case, the name of the party served, the date and manner of service, the designation of the document, e.g., first interrogatories or answers to second interrogatories, and the signature of the serving party or attorney. The answers bearing the original

signature of the party answering the interrogatories shall be served on the party submitting the interrogatories, who shall be the custodian thereof until the entire case is finally disposed.

Copies of interrogatory answers may be used in all court proceedings to the same extent the original answers may be used.

(e) Enforcement. The party submitting the interrogatory may move for an order under Rule 61.01(b) with respect to any objection to or other failure to answer an interrogatory.

(f) Use at Trial. Interrogatory answers may be used to the extent permitted by the rules of evidence.

57.03. DEPOSITIONS UPON ORAL EXAMINATION. — Depositions Upon Oral Examination

(a) When Depositions May Be Taken.

(1) After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination **without leave of court, except as specified in paragraph (2) of this subdivision. The attendance of witnesses may be compelled by subpoena as provided in Rule 57.09.**

(2) Leave of court, granted with or without notice, must be obtained only if **[**the plaintiff seeks to take a deposition prior to the expiration of 30 days after service of the summons and petition upon any defendant, except that leave is not required if a defendant has served a notice of taking deposition or otherwise sought discovery. The attendance of witnesses may be compelled by subpoena as provided in Rule 57.09. The attendance of a party is compelled by notice as provided in subdivision (b) of this Rule. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court describes**]:**

(A) the parties have not stipulated to the deposition and:

(i) the deposition would result in more than 10 depositions being taken under this rule or Rule 57.04 by the plaintiffs, or by the defendants, or by the third-party defendants;

(ii) the deponent has already been deposed in the case; or

(iii) the plaintiff seeks to take a deposition prior to the expiration of 30 days after service of the summons and petition upon any defendant, except that leave is not required if a defendant has served a notice of taking deposition or otherwise sought discovery; or

(B) the deponent is confined in prison.

(b) Notice of Examination: General Requirements; Special Notice; Production of Documents and Things; Deposition of Organization.

(1) A party desiring to take the deposition of any person upon oral examination shall give not less than seven days notice in writing to every other party to the action and to a non-party deponent.

The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known. If the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs shall be stated.

If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.

A party may attend a deposition by telephone.

(2) The court may for cause shown enlarge or shorten the time for taking the deposition.

(3) The notice to a party deponent may be accompanied by a request made in compliance with Rule 58.01 for the production of documents and tangible things at the taking of the deposition. The procedure of Rule 58.01 shall apply to the request.

(4) A party may in the notice and in a subpoena name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so

named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf and may set forth, for each person designated, the matters on which the person will testify. A subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This Rule 57.03(b)(4) does not preclude taking a deposition by any other procedure authorized in these rules.

(5) **[**Repealed effective Jan. 1, 2007.**]** **(A) Duration. Unless otherwise stipulated or ordered by the court, a deposition shall be limited to 1 day of 7 hours. The court may allow additional time consistent with Rule 56.01 if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.**

(B) Sanction. The court may impose an appropriate sanction, including the reasonable expenses and attorney's fees incurred by any party, on a person who impedes, delays, or frustrates the fair examination of the deponent.

(c) Non-stenographic Recording - Video Tape. Depositions may be recorded by the use of video tape or similar methods. The recording of the deposition by video tape shall be in addition to a usual recording and transcription method unless the parties otherwise agree.

(1) If the deposition is to be recorded by video tape, every notice or subpoena for the taking of the deposition shall state that it is to be video taped and shall state the name, address and employer of the recording technician. If a party upon whom notice for the taking of a deposition has been served desires to have the testimony additionally recorded by other than stenographic means, that party shall serve notice on the opposing party and the witness that the proceedings are to be video taped. Such notice must be served not less than three days prior to the date designated in the original notice for the taking of the depositions and shall state the name, address and employer of the recording technician.

(2) Where the deposition has been recorded only by video tape and if the witness and parties do not waive signature, a written transcription of the audio shall be prepared to be submitted to the witness for signature as provided in Rule 57.03(f).

(3) The witness being deposed shall be sworn as a witness on camera by an authorized person.

(4) More than one camera may be used, either in sequence or simultaneously.

(5) The attorney for the party requesting the video taping of the deposition shall take custody of and be responsible for the safeguarding of the video tape and shall, upon request, permit the viewing thereof by the opposing party and if requested, shall provide a copy of the video tape at the cost of the requesting party.

(6) Unless otherwise stipulated to by the parties, the expense of video taping is to be borne by the party utilizing it and shall not be taxed as costs.

(d) Record of Examination; Oath; Objections. The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with Rule 57.03(c). If requested by one of the parties, the testimony shall be transcribed.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, to the manner of taking it, to the evidence presented, to the conduct of any party, or any other objection to the proceedings shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition, and that party shall transmit them to the officer before whom the deposition is to be taken, who shall propound them to the witness, and the questions and answers thereto shall be recorded.

(e) Motion to Terminate or Limit Examination. At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or a court having general jurisdiction in the place where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Rule 56.01(c). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of Rule 61.01(g) apply to the award of expenses incurred in relation to the motion.

(f) Submission to Witness; Changes; Signing. When the testimony is fully transcribed, the officer shall make the deposition available to the witness for examination, reading and signing, unless such examination, reading, and signing are waived by the witness or by the parties. Any changes in form or substance that the witness desires to make shall be entered upon an errata sheet provided to the witness with a statement of the reasons given for making such changes. The answers or responses as originally given, together with the changes made and reasons given therefor, shall be considered as a part of the deposition. The deposition shall then be signed by the witness before a notary public unless the witness is ill, cannot be found, is dead, or refuses to sign. If the deposition is not signed by the time of trial, it may be used as if signed, unless, on a motion to suppress, the court holds that the reasons given for the refusal to sign requires rejection of the deposition in whole or in part.

(g) Certification, Delivery, and Filing; Exhibits; Copies.

(1) Certification and Delivery. The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Upon payment of reasonable charges therefor, the officer shall deliver the deposition to the party who requested that the testimony be transcribed.

(2) Filing.

(a) By the Officer. Upon delivery of a deposition, the officer shall file with the court a certificate showing the caption of the case, the name of the deponent, the date the deposition was taken, the name and address of the person having custody of the original deposition, and whether the charges have been paid. The officer shall not file a copy of the deposition with the court except upon court order.

(b) By a Party. A party shall not file a deposition with the court except upon specific court order or contemporaneously with a motion placing the deposition or a part thereof in issue. The court may enact local court rules requiring a party who intends to use a deposition at a hearing or trial to file that deposition with the court on or prior to the date of the hearing or trial.

(c) Return of Deposition. At the conclusion of the hearing or trial the deposition that has been filed or delivered to the court shall be returned to the party that filed or delivered the deposition.

(d) Retention of Deposition. The original deposition shall be maintained until the case is finally disposed.

(3) Exhibits. Documents and things produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition and may be inspected and copied by any party, except that (A) the person producing the materials may substitute copies to be marked for identification if the person affords to all parties fair opportunity to verify the copies by comparison with the originals and (B) if the person producing the materials requests their return, the officer shall mark them, give each party

an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court pending final disposition of the civil action.

(4) Copies. Upon request and payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(h) Failure to Attend or to Serve Subpoena; Expenses.

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving notice to pay to such other party the reasonable expenses incurred by that other party and that other party's attorney in attending, including reasonable attorney's fees.

(2) If a witness fails to appear for a deposition and the party giving the notice of the taking of the deposition has not complied with these rules to compel the attendance of the witness, the court may order the party giving the notice to pay to any party attending in person or by attorney the reasonable expenses incurred by that other party and that other party's attorney in attending, including reasonable attorney's fees.

57.04. DEPOSITIONS UPON WRITTEN QUESTIONS. — Depositions Upon Written Questions

(a) Serving Questions; Notice.

(1) After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon written questions**, without leave of court, except as specified in paragraph (2) of this subdivision**. The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 57.09. **[**The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.**]**

(2) Leave of court, granted with or without notice, must be obtained only if:

(A) the parties have not stipulated to the deposition and:

(i) the deposition would result in more than 10 depositions being taken under this rule or Rule 57.03 by the plaintiffs, or by the defendants, or by the third-party defendants;

(ii) the deponent has already been deposed in the case; or

(iii) the plaintiff seeks to take a deposition prior to the expiration of 30 days after service of the summons and petition upon any defendant, except that leave is not required if a defendant has served a notice of taking deposition or otherwise sought discovery; or

(B) the deponent is confined in prison.

(3) A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating: **[**(1)**] (A)** the name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs and **[**(2)**] (B)** the name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association or governmental agency in accordance with the provisions of Rule 57.03(b)(4).

(4) Within thirty days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within ten days after being served with cross questions, a party may serve redirect questions upon all other parties. Within ten days after being served with redirect questions, a party may serve recross questions upon all other parties. The court may for cause shown enlarge or shorten the time.

(b) Officer to Take Responses and Prepare Record. A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in

the notice, who shall proceed promptly, in the manner provided by Rule 57.03(d), (f), and (g), to take the testimony of the witness in response to the questions and to prepare, certify, and deliver the deposition, attaching thereto the copy of the notice and the questions.

(c) Notice of Delivery. When the deposition is delivered, the party taking it promptly shall give notice thereof to all other parties.

58.01. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES. — Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes

(a) Scope. Any party may serve on any other party a request to:

(1) Produce and permit the **requesting** party **[**making the request, or someone acting on the requesting party's behalf,**]** **or its representative to inspect, [and] copy, test or sample the following items in the responding party's possession, custody, or control:**

(A) Any designated documents **or electronically stored information [**(**]**including writings, drawings, graphs, charts, photographs, **[**phonograph records,**]** **sound recordings, images,** electronic records, and other data **or** compilations from which information can be obtained**[**, translated, if necessary, by the requesting party through detection devices**]** **either directly or indirectly or, if necessary, after translation by the responding party** into a reasonably usable form**[**)**];** or **[**to inspect and copy, test, or sample any tangible things that constitute or contain matters within the scope of Rule 56.01(b) and that are in the possession, custody or control of the party upon whom the request is served**]**

(B) Any designated tangible things; or

(2) Permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, and photographing,testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 56.01(b).

This Rule 58.01 does not preclude an independent action against a person not a party for production of documents and things and permission to enter upon land.

(b) Issuance.

(1) Form. In consecutively numbered paragraphs the request shall:

(A) Set forth **[**the items to be inspected, either by individual item or by category, and describe each item and category**]** with reasonable particularity**[**. The request shall**]** **each item or category of items to be inspected;**

(B) Specify a reasonable time, place and manner of making the inspection and performing the related acts**; and**

(C) May specify that electronically stored information be produced in native format.

The title shall identify the party to whom the requests are directed and state the number of the set of requests directed to that party.

(2) When Requests May be Served. Without leave of court, requests may be served on:

(A) A plaintiff after commencement of the action; and

(B) Any other party with or after the party was served with process, entered an appearance, or filed a pleading.

(3) Service. Copies of the requests shall be served on all parties not in default. The party issuing the requests shall also provide each responding party an electronic copy in a commonly used medium, such as a diskette, CD-ROM or as an e-mail attachment, in a format that can be read by most commonly used word processing programs, such as Word for Windows or WordPerfect

5.x or higher. In addition to the information normally in a certificate of service, the certificate of service shall also state the:

(A) Name of each party who is to respond to the requests;

(B) Number of the set of requests;

(C) Format of the electronic copy and the medium used to transmit the electronic copy to the responding party.

At the time of service, a certificate of service, but not the requests, shall be filed with the court as provided in Rule 58.01(d).

(c) Response. The requests shall be answered by each party to whom they are directed.

(1) When Response is Due. Responses shall be served within 30 days after the service of the request. A defendant, however, shall not be required to respond to the request before the expiration of 45 days after the earlier of:

(A) The date the defendant enters an appearance; or

(B) The date the defendant is served with process.

The court may allow a shorter or longer time.

(2) Form. The title of the response shall identify the responding party and the number of the set of the requests. The response shall quote each request, including its original paragraph number, and immediately thereunder state that the requested items will be produced or the inspection and related activities will be permitted as requested, unless the request is objected to, in which event each reason for objection shall be stated in detail.

(3) Objections and Privileges. If information is withheld because of an objection, then each reason for the objection shall be stated. **An objection to part of a request must specify the part and permit inspection of the rest.** If a privilege or the work product doctrine is asserted as a reason for the objection, then without revealing the protected information, the objecting party shall state information that will permit others to assess the applicability of the privilege or work product doctrine.

(4) Method of Production. A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

(5) Signing. The response shall be signed by the attorney or by the party if the party is not represented by an attorney.

(6) Service. The party to whom the requests were directed shall serve a signed original of the response and objections, if any, on the party that issued the requests and a copy upon all parties not in default. The certificate of service shall state the name of the party who issued the requests and the number of the set of requests. At the time of service, a certificate of service, but not the response, shall be filed with the court as provided in Rule 58.01(d).

(d) Filing. The request and responses thereto shall not be filed with the court except upon court order or contemporaneously with a motion placing the request in issue. However, both when the request and responses are served, the party serving them shall file with the court a certificate of service. The certificate shall show the caption of the case, the name of the party served, the date and manner of service, and the signature of the serving party or attorney. Each party filing a certificate shall maintain a copy of the document that is the subject of the certificate until the case is finally disposed.

(e) Enforcement. The party submitting the request may move for an order under Rule 61.01(d) with respect to any objection or other failure to respond to the request or any part thereof or any failure to permit inspection as requested.

59.01. REQUEST FOR AND EFFECT OF ADMISSIONS. — Request for and Effect of Admissions

(a) Scope. After commencement of an action, a party may serve upon any other party [a**] no more than 25** written **[**request**] requests** for the admission **without leave of court or stipulation of the parties**, for purposes of the pending action only, of the truth of any matters within the scope of Rule 56.01(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. **However, the limitation on the number of requests for admission specified by this Rule 59.01 shall not apply to requests for admission regarding the genuineness of documents.**

A failure to timely respond to requests for admissions in compliance with this Rule 59.01 shall result in each matter being admitted.

The request for admissions shall have included at the beginning of said request the following language in all capital letters, boldface type, and a character size that is as large as the largest character size of any other material in the request:

"A FAILURE TO TIMELY RESPOND TO REQUESTS FOR ADMISSIONS IN COMPLIANCE WITH RULE 59.01 SHALL RESULT IN EACH MATTER BEING ADMITTED BY YOU AND NOT SUBJECT TO FURTHER DISPUTE."

(b) Effect of Admission. Any matter admitted under this Rule 59.01 is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

Subject to the provisions of Rule 62.01 governing amendment of a pre-trial order, the court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice the party in maintaining the action or defense on the merits.

Any admission made by a party under this Rule 59.01 is for the purpose of the pending action only and is not an admission by the party for any other purpose nor may it be used against the party in any other proceeding.

(c) Issuance.

(1) Form. In consecutively numbered paragraphs, the request shall set forth each matter for which an admission is requested. Copies of documents about which admissions are requested shall be served with the request unless copies have already been furnished. The title shall identify the party to whom the request for admissions are directed and state the number of the set of requests directed to that party.

(2) When Requests May be Served. Without leave of court, requests may be served on:

(A) A plaintiff after commencement of the action,

(B) A defendant or respondent upon the expiration of 30 days after the first event of the defendant entering an appearance or being served with process, and

(C) Any other party with or after the party was served with process, entered an appearance, or filed a pleading.

(3) Service. Copies of the requests shall be served on all parties not in default. The party issuing the requests shall also provide each responding party an electronic copy in a commonly used medium, such as a diskette, CD-ROM or as an e-mail attachment, in a format that can be read by most commonly used word processing programs, such as Word for Windows or WordPerfect 5.x or higher. In addition to the information normally in a certificate of service, the certificate of service shall also state the:

(A) Name of each party who is to respond to the requests;

(B) Number of the set of requests,

(C) Format of the electronic copy and the medium used to transmit the electronic copy to the responding party.

At the time of service, a certificate of service, but not the requests, shall be filed with the court as provided in Rule 59.01(d).

(d) Response. The requests shall be answered by each party to whom they are directed.

(1) When Response is Due. Responses shall be served within 30 days after the service of the requests for admissions. A defendant or respondent, however, shall not be required to respond to requests for admissions before the expiration of 60 days after the earlier of the defendant:

(A) Entering an appearance, or

(B) Being served with process.

The court may allow a shorter or longer time.

(2) Form. The title of the response shall identify the responding party and the number of the set of the requests for admissions. The response shall quote each request, including its original paragraph number, and immediately thereunder specifically:

(A) Admit the matter; or

(B) Deny the matter; or

(C) Object to the matter and state each reason for the objection; or

(D) Set forth in detail the reasons why the responding party cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission.

When good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as true and qualify or deny the remainder.

A responding party may give lack of information or knowledge as a reason for failure to admit or deny if such party states that the party has made reasonable inquiry and the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.

A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; such party may deny the matter, subject to the provisions of Rule 61.01(c), or set forth reasons why the party cannot admit or deny it.

(3) Objections and Privileges. If an objection is asserted, then each reason for the objection shall be stated. If a failure to admit or deny a request is based on a privilege or the work product doctrine, then without revealing the protected information, the objecting party shall state information that will permit others to assess the applicability of the privilege or work product doctrine.

(4) Signing. The response shall be signed by the party or the party's attorney.

(5) Service. The party to whom the requests were directed shall serve a signed original of the response and objections, if any, on the party that issued the requests and a copy upon all parties not in default. The certificate of service shall state the name of the party who issued the requests and the number of the set of requests.

At the time of service, a certificate of service, but not the response, shall be filed with the court as provided in Rule 59.01(d).

(e) Filing Request and Responses. The request and response thereto shall not be filed with the court except upon court order or contemporaneously with a motion placing the request in issue. However, both when the request and the response are served the party serving them shall file with the court a certificate of service. Each party filing a certificate shall maintain a copy of the document that is the subject of the certificate until the case is finally disposed.

(f) Enforcement. The party who has requested the admissions may move to have determined the sufficiency of the answers or objections. Unless the court determines that an objection is proper, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this Rule 59.01, it may order either that:

(1) The matter is admitted, or

(2) An amended answer be served.

The provisions of Rule 61.01(c) apply to the award of expenses incurred in relation to the motion.

61.01. FAILURE TO MAKE DISCOVERY: SANCTIONS. — Failure to Make Discovery: Sanctions

(a) Failure to Act - Evasive or Incomplete Answers. Any failure to act described in this Rule 61 may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has served timely objections to the discovery request or has applied for a protective order as provided by Rule 56.01(c).

For the purpose of this Rule 61, an evasive or incomplete answer is to be treated as a failure to answer.

(b) Failure to Answer Interrogatories. If a party fails to answer interrogatories or serve objections thereto within the time provided by law, or if objections are served thereto that are thereafter overruled and the interrogatories are not timely answered, the court may, upon motion and reasonable notice to other parties, take such action in regard to the failure as are just and among others the following:

(1) Enter an order striking pleadings or parts thereof or dismissing the action or proceeding or any part thereof or render a judgment by default against the disobedient party;

(2) Upon the showing of reasonable excuse, grant the party failing to answer the interrogatories additional time to serve answers, but such order shall provide that if the party fails to answer the interrogatories within the additional time allowed, the pleadings of such party shall be stricken or the action shall dismissed or a default judgment shall be rendered against the disobedient party.

(c) Failure to Answer Request for Admissions. If a party, after being served with a request to admit the genuineness of any relevant documents or the truth of any relevant and material matters of fact, fails to serve answers or objections thereto, as required by Rule 59.01, the genuineness of any relevant documents or the truth of any relevant and material matters of fact contained in the request for admissions shall be taken as admitted. If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 59.01, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the party requesting the admissions may apply to the court for an order requiring the other party to pay the reasonable expenses incurred in making that proof, including reasonable attorney fees. The court shall make the order unless it finds that:

(1) The request was held objectionable pursuant to Rule 59.01;

(2) The admission sought was of no substantial importance;

(3) The party failing to admit had reasonable grounds to believe that such party might prevail on the matter; or

(4) There was other good reason for the failure to admit.

(d) Failure to Produce Documents and Things or to Permit Inspection. If a party fails to respond that inspection will be permitted as requested, fails to permit inspection, or fails to produce documents and tangible things as requested under Rule 58.01, or timely serves objections thereto

that are thereafter overruled and the documents and things are not timely produced or inspection thereafter is not timely permitted, the court may, upon motion and reasonable notice to other parties, take such action in regard to the failure as are just and among others the following:

(1) Enter an order refusing to allow the disobedient party to support or oppose designated claims or defenses or prohibiting the disobedient party from introducing designated matters in evidence;

(2) Enter an order striking pleadings or parts thereof or staying further proceedings until the order is obeyed or dismissing the action or proceeding or any part thereof or render a judgment by default against the disobedient party;

(3) Enter an order treating as a contempt of court the failure to obey; or

(4) Enter an order requiring the party failing to obey the order or the attorney advising the party or both to pay the reasonable expenses, including attorney fees, caused by the failure unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

(e) Failure to Appear for Physical Examination. If a party fails to obey an order directing a physical or mental or blood examination under Rule 60.01, the court may, upon motion and reasonable notice to the other parties and all persons affected thereby, make such orders in regard to the failure as are just, and among others, it may take any action authorized under Rules 61.01(d)(1), (2), and (4). Where a party has failed to comply with an order requiring the production of another for examination, the court may enter such orders as are authorized by this Rule 61.01, unless the party failing to comply shows an inability to produce such person for examination.

(f) Failure to Attend Own Deposition. If a party or an officer, director or managing agent of a party or a person designated under Rules 57.03(b)(4) and 57.04(a), to testify on behalf of a party, fails to appear before the officer who is to take his deposition, after being served with notice, the court may, upon motion and reasonable notice to the other parties and all persons affected thereby, make such orders in regard to the failure as are just and among others, it may take any action authorized under paragraphs (1), (2), (3) and (4) of subdivision (d) of this Rule.

(g) Failure to Answer Questions on Deposition. If a witness fails or refuses to testify in response to questions propounded on deposition, the proponent of the question may move for an order compelling an answer. The proponent of the question may complete or adjourn the deposition examination before applying for an order. In ruling upon the motion, the court may make such protective order as it would have been empowered to make on a motion pursuant to Rule 56.01(c).

If the motion is granted, the court, after opportunity for hearing, shall require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney's fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is denied, the court, after opportunity for hearing, shall require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

If the motion is granted and if the persons ordered to respond fail to comply with the court's order, the court, upon motion and reasonable notice to the other parties and all persons affected

thereby, may make such orders in regard to the failure as are just, and among others, it may take any action authorized under Rule 61.01(d).

(h) Objections to Approved Discovery. If objections to Rule **[**56.01(b)(6)**]** **56.01(b)(8)** approved interrogatories or requests for production are overruled, the court may assess against such objecting party, attorney, or attorney's law firm, or all of them, the attorney's fees reasonably incurred in having such objection overruled. If such fees are not paid within sixty days, the court may enter such other appropriate orders against the disobedient party, including an order striking pleadings, dismissing the action, or entering a judgment by default.

Approved July 10, 2019

CCS SS SCS SB 230

Enacts provisions relating to judicial proceedings.

AN ACT to repeal sections 209.625, 472.010, 475.035, 475.115, 476.001, 508.010, and 600.042, RSMo, and to enact in lieu thereof seven new sections relating to judicial proceedings.

SECTION

A.	Enacting clause.
209.625	Assets exempt from taxation.
472.010	Definitions.
475.035	Venue.
475.115	Appointment of successor guardian or conservator — transfer of case, procedure.
476.001	Purpose of law.
508.010	Venue for nontort and tort suits — principal place of residence, defined.
600.042	Director's duties and powers — cases for which representation is authorized — rules, procedure — discretionary powers of defender system — bar members appointment authorized.

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

SECTION A. ENACTING CLAUSE. — Sections 209.625, 472.010, 475.035, 475.115, 476.001, 508.010, and 600.042, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 209.625, 472.010, 475.035, 475.115, 476.001, 508.010, and 600.042, to read as follows:

209.625. ASSETS EXEMPT FROM TAXATION. — 1. Notwithstanding any law to the contrary, the assets of the ABLE program held by the board and the assets of any ABLE account and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from an ABLE account or deposit shall not be subject to state income tax imposed pursuant to chapter 143. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the ABLE program established pursuant to sections 209.600 to 209.645, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the ABLE program held by the board up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified disability expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the designated beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2015.

4. The assets held in an ABLE account under sections 209.600 to 209.645 shall not be considered the property of a conservatorship estate established under chapter 475.

5. The provisions of subsection 4 of this section shall not apply to ABLE accounts in the charge and custody of a public administrator.

472.010. DEFINITIONS. — When used in this code, unless otherwise apparent from the context:

(1) "Administrator" includes any administrator de bonis non, administrator cum testamento annexo, administrator ad litem and administrator during absence or minority;

(2) "Child" includes an adopted child and a child born out of wedlock, but does not include a grandchild or other more remote descendants;

(3) "Claims" include liabilities of the decedent which survive whether arising in contract, tort or otherwise, funeral expenses, the expense of a tombstone, and costs and expenses of administration;

(4) "Clerk" means clerk of the probate division of the circuit court;

(5) "Code" or "probate code" means chapters 472, 473, 474 and 475;

(6) "Court" or "probate court" means the probate division of the circuit court;

(7) "Devise", when used as a noun, means a testamentary disposition of real or personal property or both; when used as a verb it means to dispose of real or personal property or both by will;

(8) "Devisee" includes legatee;

(9) "Distributee" denotes those persons who are entitled to the real and personal property of a decedent under his will, under the statutes of intestate succession or who take as surviving spouse under section 474.160, upon election to take against the will;

(10) "Domicile" means the place in which a person has voluntarily fixed his abode, not for a mere special or temporary purpose, but with a present intention of remaining there permanently or for an indefinite time;

(11) "Estate" means the real and personal property of the decedent or ward, as from time to time changed in form by sale, reinvestment or otherwise, and augmented by any accretions and additions thereto and substitutions therefor, and diminished by any decreases and distributions therefrom**. Under the provisions of subsections 4 and 5 of section 209.625, assets held in an ABLE account established under sections 209.600 to 209.645 shall not be considered the property of the designated beneficiary of said account for purposes of this subdivision when applied in chapter 475, unless the estate is in the charge and custody of a public administrator**;

(12) "Exempt property" means that property of a decedent's estate which is not subject to be applied to the payment of claims, charges, legacies or bequests as described in section 474.250;

(13) "Fiduciary" includes executor, administrator, guardian, conservator, and trustee;

(14) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate;

(15) "Interested persons" mean heirs, devisees, spouses, creditors or any others having a property right or claim against the estate of a decedent being administered and includes children of a protectee who may have a property right or claim against or an interest in the estate of a protectee. This meaning may vary at different stages and different parts of a proceeding and must be determined according to the particular purpose and matter involved;

(16) "Issue" of a person, when used to refer to persons who take by intestate succession, includes adopted children and all lawful lineal descendants, except those who are the lineal descendants of living lineal descendants of the intestate;

(17) "Lease" includes an oil and gas lease or other mineral lease, but does not include month-to-month or year-to-year tenancies under oral contracts;

(18) "Legacy" means a testamentary disposition of personal property;

(19) "Legatee" means a person entitled to personal property under a will;

(20) "Letters" include letters testamentary, letters of administration and letters of guardianship;

(21) "Lien" includes all liens except general judgment, execution and attachment liens;

(22) "Lineal descendants" include adopted children and their descendants;

(23) "Mortgage" includes deed of trust, vendor's lien and chattel mortgage;

(24) "Person" includes natural persons and corporations;

(25) "Personal property" includes interests in goods, money, choses in action, evidences of debt, shares of corporate stock, and chattels real;

(26) "Personal representative" means executor or administrator. It includes an administrator with the will annexed, an administrator de bonis non, an administrator pending contest, an administrator during minority or absence, and any other type of administrator of the estate of a decedent whose appointment is permitted. It does not include an executor de son tort;

(27) "Property" includes both real and personal property;

(28) "Real property" includes estates and interests in land, corporeal or incorporeal, legal or equitable, other than chattels real;

(29) "Registered mail" includes "certified mail" as defined and certified under regulations of the United States Postal Service;

(30) "Will" includes codicil; it also includes a testamentary instrument which merely appoints an executor and a testamentary instrument which merely revokes or revives another will.

475.035. VENUE. — 1. The venue for the appointment of a guardian or conservator shall be:

(1) In the county in this state where the minor or alleged incapacitated or disabled person is domiciled**. Domicile for a minor is the domicile of the custodial parent, custodial parents, or guardian. Placement by a court, fiduciary, or agency for evaluation, treatment, or residential care shall not constitute a choice of domicile by the minor or alleged incapacitated or disabled person; however, for the purpose of determining domicile, the court may consider the desire or intent of the alleged incapacitated or disabled person to the extent he or she has capacity**; or

(2) If the minor or alleged incapacitated or disabled person has no domicile in this state, then in the county in which the minor or alleged incapacitated or disabled person **[**actually resides, or if he or she does not reside in any county, then in any county wherein there is any property of the minor or alleged incapacitated or disabled person; or

(3) In the county, or on any federal reservation within the county, wherein the minor or alleged incapacitated or disabled person or his or her property is found; or

(4) In a county of this state which is within a judicial circuit which has prior and continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section 211.031**] has a**

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significant connection. In determining under this section whether a minor or alleged incapacitated or disabled person has a significant connection, the court shall consider:

(a) Whether a juvenile, criminal, or probate court in a county of this state has previously or currently assumed jurisdiction over the minor or alleged incapacitated or disabled person under chapter 211 or 552;

(b) The location of the minor's or alleged incapacitated or disabled person's family and other persons required to be notified of the guardianship or conservatorship;

(c) Whether the minor or alleged incapacitated or disabled person has a residence or is physically present in the county and the duration of his or her physical presence or absence;

(d) The location of the minor's or alleged incapacitated or disabled person's property; and

(e) The extent to which the minor or alleged incapacitated or disabled person has ties such as voting registration, local tax return filing, vehicle registration, driver's license, social relationships, or receipt of services.

2. **[**If the alleged incapacitated or disabled person has resided in a county other than the county of his or her domicile for more than one year, the court of that county may assume venue for the purpose of appointment of a guardian or conservator**]** **In the event the venue for purposes of guardianship and conservatorship are in different counties, venue shall be in the county of the guardianship**.

3. If proceedings are commenced in more than one county, they shall be stayed except in the county where first commenced until final determination of venue in the county where first commenced. The proceeding is deemed commenced by the filing of a petition**[**; and the proceeding first legally commenced to appoint a conservator of the estate extends to all of the property of the protectee in this state**]**.

475.115. APPOINTMENT OF SUCCESSOR GUARDIAN OR CONSERVATOR — TRANSFER OF CASE, PROCEDURE. — 1. When a guardian or conservator dies, is removed by order of the court, or resigns and his or her resignation is accepted by the court, the court shall have the same authority as it has in like cases over personal representatives and their sureties and may appoint another guardian or conservator in the same manner and subject to the same requirements as are herein provided for an original appointment of a guardian or conservator.

2. A public administrator may request transfer of any case to the jurisdiction of another county by filing a petition for transfer. If **[**the receiving county meets the venue requirements of section 475.035 and**]** the public administrator of the receiving county consents to the transfer, the court shall transfer the case. The court with jurisdiction over the receiving county shall, without the necessity of any hearing as required by section 475.075, appoint the public administrator of the receiving county as successor guardian and/or successor conservator and issue letters therein. In the case of a conservatorship, the final settlement of the public administrator's conservatorship shall be filed within thirty days of the court's transfer of the case, in the court with jurisdiction over the original conservatorship, and forwarded to the receiving county upon audit and approval.

476.001. PURPOSE OF LAW. — An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and 477.405 to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of

judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, **and** 478.320**[**, and subdivision (12) of subsection 1 of section 600.042**]** to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.

508.010. VENUE FOR NONTORT AND TORT SUITS — PRINCIPAL PLACE OF RESIDENCE, DEFINED. — 1. As used in this section, "principal place of residence" shall mean the county which is the main place where an individual resides in the state of Missouri. **[**There shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence.**]** There shall be only one principal place of residence.

(1) For an individual person, there shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence.

(2) Notwithstanding subdivision (1) of this subsection, for an individual whose conduct at issue was alleged in at least one count to be in the course and scope of his or her employment with a corporation, the individual's principal place of residence for venue purposes shall be deemed to be the applicable corporation's principal place of residence.

(3) For a corporation that, either directly or through its subsidiaries, wholly owns or operates a railroad, the place where the corporation has its registered agent is its principal place of residence for the purposes of venue, provided that the registered agent is in a city not within a county, a charter county, or a first class county.

2. In all actions in which there is no count alleging a tort, venue shall be determined as follows:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state**, provided there is personal jurisdiction over each defendant, independent of each other defendant**.

3. The term "tort" shall include claims based upon improper health care, under the provisions of chapter 538.

4. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue shall be in the county where the plaintiff was first injured by the **[**wrongful**]** acts or **[**negligent**]** conduct alleged in the action.

5. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured outside the state of Missouri, venue **as to that individual plaintiff** shall be determined as follows:

(1) If the defendant is a corporation, then venue shall be in any county where a defendant corporation's registered agent is located or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff's principal place of residence on the date the plaintiff was first injured;

(2) If the defendant is an individual, then venue shall be in **[**any**] the** county **[**of**] where** the **[**individual defendant's**] defendant has his or her** principal place of residence in the state of

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Missouri**, which for venue purposes shall be deemed to be that of his or her employer corporation if any count alleges conduct in the course and scope of his or her employment with that corporation,** or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue **as to that individual plaintiff** may be in the county containing the plaintiff's principal place of residence on the date the plaintiff was first injured;

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if the plaintiff was first injured in a foreign country in connection with any railroad operations therein and any defendant is a:

(a) Corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad; or

(b) Wholly owned subsidiary of a corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad;

then venue shall exclusively be in the county where any such defendant corporation's registered agent is located, regardless of venue as to any other defendant or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff's principal place of residence on the date the plaintiff was first injured.

6. Any action, in which any county shall be a plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found.

7. In all actions, process shall be issued by the court in which the action is filed and process may be served in any county within the state.

8. In any action for defamation or for invasion of privacy, the plaintiff shall be considered first injured in the county in which the defamation or invasion was first published.

9. In all actions, venue shall be determined as of the date the plaintiff was first injured.

10. All motions to dismiss or to transfer based upon a claim of improper venue shall be deemed granted if not denied within ninety days of filing of the motion unless such time period is waived in writing by all parties.

11. In a wrongful death action, the plaintiff shall be considered first injured where the decedent was first injured by the wrongful acts or negligent conduct alleged in the action. In any spouse's claim for loss of consortium, the plaintiff claiming consortium shall be considered first injured where the other spouse was first injured by the wrongful acts or negligent conduct alleged in the action.

12. The provisions of this section shall apply irrespective of whether the defendant is a for-profit or a not-for-profit entity.

13. In any civil action, if all parties agree in writing to a change of venue, the court shall transfer venue to the county within the state unanimously chosen by the parties. If any parties are added to the cause of action after the date of said transfer who do not consent to said transfer then the cause of action shall be transferred to such county in which venue is appropriate under this section, based upon the amended pleadings.

14. A plaintiff is considered first injured where the trauma or exposure occurred rather than where symptoms are first manifested.

15. If the county where the plaintiff's claim is filed is not a proper venue, that plaintiff shall be transferred to a county where proper venue can be established. If no such county exists in the state of Missouri, the claim shall be dismissed without prejudice.

16. Denial of a motion to transfer venue pursuant to sections 507.040, 507.050, or 508.010, if denied in error, requires reversal, and no finding of prejudice under Missouri supreme court rule 84.13(b) is required for reversal.

17. For the purposes of this section, a domestic insurance company shall be deemed to reside in, and be a resident of, the county where its registered office is maintained. A foreign insurance company shall be deemed to reside in, and be a resident of, the county where its registered office is maintained. If a foreign insurance company does not maintain a registered office in any county in Missouri, the foreign insurance company shall be deemed to reside in, and be a resident of, Cole County.

600.042. DIRECTOR'S DUTIES AND POWERS — CASES FOR WHICH REPRESENTATION IS AUTHORIZED — RULES, PROCEDURE — DISCRETIONARY POWERS OF DEFENDER SYSTEM — BAR MEMBERS APPOINTMENT AUTHORIZED. — 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system**[**;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2021**]**.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

Approved July 10, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SB 275

Enacts provisions relating to health care.

AN ACT to repeal sections 178.931 and 332.361, RSMo, and to enact in lieu thereof four new sections relating to health care.

SECTION

A.	Enacting clause.
178.931	Payments for hours worked by disabled employees, how calculated.
192.385	Program established, purpose — fund created, use of moneys — disbursement to area agencies on aging, formula — rulemaking authority.
332.361	Dentist may prescribe, possess and administer drugs.
334.1135	Joint task force established, members, duties, meetings — report.

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

SECTION A. ENACTING CLAUSE. — Sections 178.931 and 332.361, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 178.931, 192.385, 332.361, and 334.1135, to read as follows:

178.931. PAYMENTS FOR HOURS WORKED BY DISABLED EMPLOYEES, HOW CALCULATED. — 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six-hour or longer day worked by a handicapped employee **for each standard workweek of up to and including thirty-eight hours worked. For each handicapped worker employed by a sheltered workshop for less than a thirty-eight-hour week or a six-hour day, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee**.

2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:

(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and

(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop's number of hours submitted to the department for the preceding calendar month.

3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

192.385. PROGRAM ESTABLISHED, PURPOSE — FUND CREATED, USE OF MONEYS — DISBURSEMENT TO AREA AGENCIES ON AGING, FORMULA — RULEMAKING AUTHORITY. — 1. There is hereby established in the department of health and senior services the "Senior

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Services Growth and Development Program" to provide additional funding for senior services provided through the area agencies on aging in this state.

2. Beginning January 1, 2020, two and one-half percent, and beginning January 1, 2021, and each year thereafter, five percent of the premium tax collected under sections 148.320 and 148.370, excluding any moneys to be transferred to the state school moneys fund as described in section 148.360, shall be deposited in the fund created in subsection 3 of this section.

3. (1) There is hereby created in the state treasury the "Senior Services Growth and Development Program Fund", which shall consist of moneys collected under this section. The director of the department of revenue shall collect the moneys described in subsection 2 of this section and shall remit such moneys to the state treasurer for deposit in the fund, less one percent for the cost of collection. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of health and senior services for enhancing senior services provided by area agencies on aging in this state.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. This fund is not intended to supplant general revenue provided for senior services.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The department of health and senior services shall disburse the moneys from the fund to the area agencies on aging in accordance with the funding formula used by the department to disburse other federal and state moneys to the area agencies on aging.

5. At least fifty percent of all moneys distributed under this section shall be applied by area agencies on aging to the development and expansion of senior center programs, facilities, and services.

6. All area agencies on aging shall report, either individually or as an association, annually to the department of health and senior services, the department of insurance, financial institutions and professional registration, and the general assembly on the distribution and use of moneys under this section. The board of directors and the advisory board of each area agency on aging shall be responsible for ensuring the proper use and distribution of such moneys.

7. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

332.361. DENTIST MAY PRESCRIBE, POSSESS AND ADMINISTER DRUGS. — 1. For purposes of this section, the following terms shall mean:

(1) "Acute pain", shall have the same meaning as in section 195.010;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) "Long-acting or extended-release opioids", formulated in such a manner as to make the contained medicament available over an extended period of time following ingestion.

2. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

[2.**]** **3.** Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined in section 195.010 only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

4. Long-acting or extended-release opioids shall not be used for the treatment of acute pain. If in the professional judgement of the dentist, a long-acting or extended-release opioid is necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the long-acting or extended-release opioid.

5. Dentists shall avoid prescribing doses greater than fifty morphine milligram equivalent (MME) per day for treatment of acute pain. If in the professional judgement of the dentist, doses greater than fifty MME are necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the dose greater than fifty MME. The relative potency of opioids is represented by a value assigned to individual opioids known as a morphine milligram equivalent (MME). The MME value represents how many milligrams of a particular opioid is equivalent to one milligram of morphine. The Missouri dental board shall maintain a MME conversion chart and instructions for calculating MME on its website to assist licensees with calculating MME.

334.1135. JOINT TASK FORCE ESTABLISHED, MEMBERS, DUTIES, MEETINGS — REPORT. — 1. There is hereby established a joint task force to be known as the "Joint Task Force on Radiologic Technologist Licensure".

2. The task force shall be composed of the following:

(1) Two members of the senate, one of whom shall be appointed by the president pro tempore and one by the minority leader of the senate;

(2) Two members of the house of representatives, one of whom shall be appointed by the speaker and one by the minority leader of the house of representatives;

(3) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;

(4) A physician appointed by the Missouri State Medical Association;

(5) A pain management physician appointed by the Missouri Society of Anesthesiologists;

(6) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;

(7) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;

(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;

(9) A physician appointed by the Missouri Academy of Family Physicians;

(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;

(11) A physician appointed by the Missouri Radiological Society;

(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and

(13) The director of the Missouri state board of nursing, or his or her designee.

3. The task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:

(1) An analysis of the risks associated if radiologic technologists are not licensed;

(2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;

(3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;

(4) Requirements for licensure of radiographers, radiation therapists, nuclear medicine technologists, nuclear medicine advanced associates, radiologist assistants, and limited x-ray machine operators;

(5) Reasonable exemptions to licensure;

(6) Continuing education and training;

(7) Penalty provisions; and

(8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.

4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A majority of the task force shall constitute a quorum, but the concurrence of a majority of total members shall be required for the determination of any matter within the task force's duties.

5. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.

6. The members of the task force shall serve without compensation, but may, subject to appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration.

Approved June 24, 2019

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SS SCS SB 291

Enacts provisions relating to emergency communication services, with an emergency clause.

AN ACT to repeal sections 190.292, 190.327, 190.335, 190.455, 190.460, and 650.330, RSMo, and to enact in lieu thereof seven new sections relating to emergency communication services, with an emergency clause.

SECTION

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

SECTION A. ENACTING CLAUSE. — Sections 190.292, 190.327, 190.335, 190.455, 190.460, and 650.330, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 190.292, 190.327, 190.335, 190.455, 190.460, 190.462, and 650.330, to read as follows:

190.292. EMERGENCY SERVICES, SALES TAX LEVY AUTHORIZED — BALLOT LANGUAGE — RATE OF TAX — TERMINATION OF TAX — BOARD TO ADMINISTER FUNDS ESTABLISHED, MEMBERS (WARREN COUNTY) — PREPAID WIRELESS TELECOMMUNICATIONS SERVICE, TAX EXEMPT. — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of _____ (insert name of county) impose a county sales tax of _____ (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board, as established by subsection 11 of this section, shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.290 to 190.296. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.290 to 190.296. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, three of whom shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff 's department, municipalities, and any other emergency

services. Four of the members of the board shall not be selected from or represent the fire protection districts, ambulance districts, sheriff 's department, municipalities, or any other emergency services. Any individual serving on the board on August 28, 2004, may continue to serve and seek reelection or reappointment to the board, notwithstanding any provisions of this subsection. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large. The members of the board shall annually elect, from among their number, the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. The election of the board members shall be conducted at the first municipal election held in a calendar year.

11. When the board is organized, it shall be a body corporate and a political subdivision of the state and shall be known as the "_____ Emergency Services Board".

12. This section shall only apply to any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants.

13. A purchase that provides prepaid wireless telecommunications service, as such term is defined in section 190.460, is specifically exempted from the tax imposed under this section or section 190.335 if such county did not prohibit the prepaid wireless emergency telephone service charge as allowed in subsection 6 of section 190.460 or votes to impose the prepaid wireless emergency telephone service charge as allowed under subsection 7 of section 190.460.

190.327. BOARD APPOINTED, WHEN — BOARD ELECTED, WHEN — DUTIES — COMMISSION TO RELINQUISH DUTIES TO BOARD — QUALIFICATIONS — BOARD, POWERS AND DUTIES — BOARD APPOINTED FOR OTHER POLITICAL SUBDIVISIONS CONTRACTING FOR SERVICE — LIMITATION ON SALES TAX, JEFFERSON COUNTY. — 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions and proceedings;

(3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;

(4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;

(5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;

(6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;

(7) To adopt and amend bylaws and any other rules and regulations;

(8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;

(9) To pay all expenses connected with the first election and all subsequent elections; and

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one-quarter of one percent. If on the effective date of this section such tax is greater than one-quarter of one percent, the board shall lower the tax rate.

190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE, LAWRENCE AND STODDARD COUNTIES — BOARD APPOINTMENT IN CHRISTIAN, TANEY, AND ST. FRANCOIS COUNTIES — PREPAID WIRELESS TELECOMMUNICATIONS SERVICES, TAX EXEMPT. — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of _____ (insert name of county) impose a county sales tax of _____ (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the

provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years; provided that, if a board established under this section consolidates with a board established under this section, section 190.327, or section 190.328, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district. Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third

classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants or in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339. Such boards which existed prior to August 25, 2010, shall not be considered a body corporate and a political subdivision of the state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the county in which such board is established reclassifying such board as a corporate body and political subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the operation of the emergency telephone service 911 system to the new entity created by the reclassification of the board.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

(a) The head of any of the county's fire protection districts, or a designee;

(b) The head of any of the county's ambulance districts, or a designee;

(c) The county sheriff, or a designee;

(d) The head of any of the police departments in the county, or a designee; and

(e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

(5) In any county with more than fifty thousand but fewer than seventy thousand inhabitants and with a county seat with more than two thousand one hundred but fewer than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this subsection shall be represented by one member, and two members shall be residents of the county not affiliated with any of the entities listed in subdivision (2) of this subsection and shall be known as public members.

13. Any county that has authorized a tax levy under this section **prior to January 1, 2012**, and such levy is reduced automatically **[**in future years**]** **after approval of such levy**, shall not submit to the voters of the county for approval any proposal authorized under this section that is greater than the amount at the time of reduction.

14. A purchase that provides prepaid wireless telecommunications service, as such term is defined in section 190.460, is specifically exempted from the tax imposed under this section or section 190.292 if such county did not prohibit the prepaid wireless emergency telephone

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

service charge as allowed in subsection 6 of section 190.460 or votes to impose the prepaid wireless emergency telephone service charge as allowed under subsection 7 of section 190.460.

190.455. SUBSCRIBER FEES — ELECTION, BALLOT — DEPOSIT OF MONEYS — CONFIDENTIALITY OF PROPRIETARY INFORMATION — IMMUNITY FROM LIABILITY, WHEN — LIMITATIONS ON FEES. — 1. Except as provided under subsection **[**9**]** **10** of this section, in lieu of the tax levy authorized under section 190.305 or 190.325, or the sales tax imposed under section 190.292 or 190.335, the governing body of any county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on subscribers of any communications service that has been enabled to contact 911. The monthly fee authorized in this section shall not exceed one dollar and shall be assessed to the subscriber of the communications service, regardless of technology, based upon the number of active telephone numbers, or their functional equivalents or successors, assigned by the provider and capable of simultaneously contacting the public safety answering point; provided that, for multiline telephone systems and for facilities provisioned with capacity greater than a voice-capable grade channel or its equivalent, regardless of technology, the charge shall be assessed on the number of voice-capable grade channels as provisioned by the provider that allow simultaneous contact with the public safety answering point. Only one fee may be assessed per active telephone number, or its functional equivalent or successor, used to provide a communications service. No fee imposed under this section shall be imposed on more than one hundred voice-grade channels or their equivalent per person per location. Notwithstanding any provision of this section to the contrary, the monthly fee shall not be assessed on the provision of broadband internet access service. The fee shall be imposed solely for the purpose of funding 911 service in such county or city. The monthly fee authorized in this section shall be limited to one fee per device. The fee authorized in this section shall be in addition to all other taxes and fees imposed by law and may be stated separately from all other charges and taxes. The fee shall be the liability of the subscriber, not the provider, except that the provider shall be liable to remit all fees that the provider collects under this section.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the county or city submits to the voters residing within the county or city at a state general, primary, or special election a proposal to authorize the governing body to impose a fee under this section. The question submitted shall be in substantially the following form:

"Shall _____ (insert name of county or city) impose a monthly fee of _____ (insert amount) on a subscriber of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in the _____ (county or city)?".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the fee shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the fee shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. **Notwithstanding any provisions of this section to the contrary, the governing body of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall put the question set forth in subsection 2 of this section before the voters of the county no later than the general election in 2020.**

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the fee imposed under this section.

[4.**]** **5.** All revenue collected under this section by the director of the department of revenue on behalf of the county or city, except for two percent to be withheld by the provider for the cost of administering the collection and remittance of the fee, and one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911 service trust fund created under section 190.420. The director of the department of revenue shall remit such funds to the county or city on a monthly basis. The governing body of any such county or city shall control such funds remitted to the county or city unless the county or city has established an elected board for the purpose of administering such funds. In the event that any county or city has established a board under any other provision of state law for the purpose of administering funds for 911 service, such existing board may continue to perform such functions after the county or city has adopted the monthly fee under this section.

[5.**]** **6.** Nothing in this section imposes any obligation upon a provider of a communications service to take any legal action to enforce the collection of the tax imposed in this section. The tax shall be collected in compliance, as applicable, with the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

[6.**]** **7.** Notwithstanding any other provision of law to the contrary, proprietary information submitted under this section shall only be subject to subpoena or lawful court order. Information collected under this section shall only be released or published in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications service provider.

[7.**]** **8.** Notwithstanding any other provision of law to the contrary, in no event shall any communications service provider, its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons, be liable for any form of civil damages or criminal liability that directly or indirectly results from, or is caused by:

(1) An act or omission in the development, design, installation, operation, maintenance, performance, or provision of service to a public safety answering point or to subscribers that use such service, whether providing such service is required by law or is voluntary; or

(2) The release of subscriber information to any governmental entity under this section unless such act, release of subscriber information, or omission constitutes gross negligence, recklessness, or intentional misconduct.

Nothing in this section is intended to void or otherwise override any contractual obligation pertaining to equipment or services sold to a public safety answering point by a communications service provider. No cause of action shall lie in any court of law against any provider of communications service, commercial mobile service, or other communications-related service, or its officers, employees, assignees, agents, vendors, or anyone acting on behalf of such persons, for providing call location information concerning the user of any such service in an emergency situation to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service or for providing caller location information or doing a ping locate in an emergency situation that involves danger of death or serious physical

injury to any person where disclosure of communications relating to the emergency is required without delay, whether such provision of information is required by law or voluntary.

[8.**]** **9.** The fee imposed under this section shall not be imposed on customers who pay for service prospectively, including customers of prepaid wireless telecommunications service.

[9.**]** **10.** The fee imposed under this section shall not be imposed in conjunction with any tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall simultaneously impose more than one tax authorized in this section or section 190.292, 190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one hundred exchange access facilities or their equivalent per person per location. The fee imposed under this section shall not be imposed in conjunction with any tax imposed for central dispatching of emergency services in any home rule city with more than four hundred thousand inhabitants and located in more than one county or any county containing a portion of such city, and such city or counties shall not simultaneously impose more than one tax or fee for central dispatching of emergency services; provided however, if any such county approves the fee authorized under this section, collection of such fee shall be in lieu of any tax authorized for central dispatching of emergency services in the county and any portion of the city within the county.

[10.**]** **11.** No county or legally authorized entity shall submit a proposal to the voters of the county under this section or section 190.335 until either:

(1) All providers of emergency telephone service as defined in section 190.300 and public safety answering point operations within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county, or such providers and the public safety answering point have entered into a shared services agreement for such services;

(2) The county develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county are consolidated into one public agency, as defined in section 190.300, that provides emergency telephone service for the county; or

(3) The county emergency services board, as defined in section 190.290, develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county that includes either consolidation or entering into a shared services agreement for such services, which shall be implemented on approval of the fee by the voters.

[11.**]** **12.** Any plan developed under subdivision (2) or (3) of subsection **[**10**]** **11** of this section shall be filed with the Missouri 911 service board under subsection 4 of section 650.330. Any plan that is filed under this subsection shall provide for the establishment of a joint emergency communications board as described in section 70.260 unless a joint emergency communication board or emergency services board for the area in question has been previously established. The director of the department of revenue shall not remit any funds as provided under this section until the department receives notification from the Missouri 911 service board that the county has filed a plan that is ready for implementation. If, after one year following the enactment of the fee described in subsection 1 of this section, the county has not complied with the plan that the county submitted under subdivision (2) or (3) of subsection **[**10**]** **11** of this section, but the county has substantially complied with the plan, the Missouri 911 service board may grant the county an extension of up to six months to comply with its plan. Not more than one extension may be granted to a county. The authority to impose the fee granted to the county in subsection 1 of this section shall be null and void if after one year following the enactment of the fee described in subsection 1 of this section the county has not complied with the plan and has not been granted an extension

by the Missouri 911 service board, or if the six-month extension expires and the county has not complied with the plan.

[12.**]** **13.** Each county that does not have a public agency, as defined in section 190.300, that provides emergency telephone service as defined in section 190.300 for the county shall either:

(1) Enter into a shared-services agreement for providing emergency telephone services with a public agency that provides emergency telephone service, if such an agreement is feasible; or

(2) Form with one or more counties an emergency telephone services district in conjunction with any county with a public agency that provides emergency telephone service within the county. If such a district is formed under this subdivision, the governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section.

[13.**]** **14.** A county operating joint or shared emergency telephone service, as defined in section 190.300, may submit to the voters of the county a proposal to impose the fee to support joint operations and further consolidation under this section.

[14.**]** **15.** All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

[15.**]** **16.** Nothing in subsections **[**10,**]** 11, 12, **[**and**]** 13**, and 14** of this section shall apply to a county with a charter form of government where all public safety answering points within the county utilize a common 911 communication service as implemented by the appropriate local and county agencies prior to August 28, 2018.

[16.**]** **17.** Any home rule city with more than four hundred thousand inhabitants and located in more than one county and any county in which it is located shall establish an agreement regarding the allocation of anticipated revenue created upon passage of a ballot proposition submitted to the voters as provided for in sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well as revenue provided based upon section 190.460 and the divided costs related to regional 911 services. The allocation and actual expenses of the regional 911 service shall be determined based upon the percentage of residents of each county who also reside in the home rule city. The agreement between the counties and the home rule city may either be between the individual counties and the home rule city or jointly between all entities. The agreement to divide costs and revenue as required in this section shall not take effect until the passage of a ballot proposition as provided for in section 190.292, 190.305, 190.325, 190.335, or 190.455. The population shall be determined based upon the most recent decennial census. This subsection shall not apply to a county of the first classification without a charter form of government and with less than five percent of its population living in any home rule city with more than four hundred thousand inhabitants and located in more than one county.

190.460. PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE — DEFINITIONS — AMOUNT, HOW COLLECTED — DEPOSIT AND USE OF MONEYS — RATES, HOW SET — EFFECTIVE DATE. — 1. As used in this section, the following terms mean:

(1) "Board", the Missouri 911 service board established under section 650.325;

(2) "Consumer", a person who purchases prepaid wireless telecommunications service in a retail transaction;

(3) "Department", the department of revenue;

(4) "Prepaid wireless service provider", a provider that provides prepaid wireless service to an end user;

(5) "Prepaid wireless telecommunications service", a wireless telecommunications service that allows a caller to dial 911 to access the 911 system and which service shall be paid for in

advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;

(6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;

(7) "Seller", a person who sells prepaid wireless telecommunications service to another person;

(8) "Wireless telecommunications service", commercial mobile radio service as defined by 47 CFR 20.3, as amended.

2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of the amount of each retail transaction **[**over the minimal amount. However, if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single nonitemized price, the seller may elect not to apply such service charge to such transaction. For purposes of this subdivision, an amount of service denominated as less than fifteen dollars is minimal**]**. **The first fifteen dollars of each retail transaction shall not be subject to the service charge.**

(2) **When prepaid wireless telecommunications service is sold with one or more products or services for a single, non-itemized price, the prepaid wireless emergency telephone service charge set forth in subdivision (1) of this subsection shall apply to the entire non-itemized price unless the seller elects to apply such service charge in the following way:**

(a) If the amount of the prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, three percent of such dollar amount; or

(b) If the seller can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes including, but not limited to non-tax purposes, three percent of such portion;

The first fifteen dollars of each transaction under this subdivision shall not be subject to the service charge.

(3) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer.

[(3)**]** **(4)** For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring **[**in this state under state law**]** **under chapter 144**.

[(4)**]** **(5)** The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider; except that, the seller shall be liable to remit all charges that the seller **collects or** is deemed to collect **[**if the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller**]**.

[(5)**]** **(6)** The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or

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other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law. **On or after the effective date of the service charge imposed under the provisions of this section, the director of the department of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the service charge, and the director shall collect, in addition to the sales tax for the state of Missouri, all additional service charges imposed in this section. All service charges imposed under this section together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057 shall apply to the collection of any service charges imposed under this section except as modified.**

(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct and retain three percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the general revenue fund for the department's use until eight hundred thousand one hundred fifty dollars is collected to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges. From then onward, the department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created under section 190.420 within thirty days of receipt for use by the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the department may deduct an amount not to exceed one percent of collected charges to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) The board shall set a rate between twenty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties without a charter form of government, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties with a charter form of government and any city not within a county, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to each such county or city not within a county in direct proportion to the amount of charges collected in each such county or city not within a county. **If a county has an elected**

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emergency services board, the Missouri 911 service board shall remit the funds to the elected emergency services board, except for an emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, in which case the funds shall be remitted to the county's general fund for the purpose of public safety infrastructure. The initial percentage rate set by the board for counties with and without a charter form of government and any city not within a county **shall be set by June thirtieth of each applicable year and** may be adjusted **[**after three years, and thereafter the rate may be adjusted every two**] annually for the first three years, and thereafter the rate may be adjusted every three** years; however, at no point shall the board set rates that fall below twenty-five percent for counties without a charter form of government and sixty-five percent for counties with a charter form of government and any city not within a county.

(6) Any amounts received by a county or city under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305, 190.325, and 190.335. Any amounts received by any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants under this section may be used for emergency service notification systems.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.455, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.455.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.455.

5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes**[**, except that such prepaid wireless emergency telephone service charge shall be charged in lieu of, and not imposed in addition to, any tax imposed under section 190.292 or 190.335**]**.

6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and cities of the implementation of the charge established under this section, and the procedures set forth under this subsection for prohibiting the charge from becoming effective.

7. **Any county or city which prohibited the prepaid wireless emergency telephone service charge pursuant to the provisions of subsection 6 of this section may take a vote of the governing body, and notify the department of revenue of the result of such vote, by November 15, 2019, to impose such charge effective January 1, 2020. A vote of at least two-thirds of the governing body is required in order to impose such charge. The department**

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shall notify the board of notices received by December 1, 2019. [This section shall expire on January 1, 2023.**]**

190.462. PRE-EMPTION OF TAXES BY DECLARATORY RULING — DEFINITIONS — EFFECT OF — EXPIRATION DATE. — 1. As used in this section, the following terms mean:

(1) "All retail sales subject to sales tax", tangible personal property and services subject to the tax imposed by sections 190.292 or 190.335;

(2) "General retailer", a person making a sale at retail as defined in section 144.010;

(3) "Taxpayer", a person who pays the tax imposed under sections 190.292 or 190.335.

2. (1) If a court of competent jurisdiction issues a declaratory ruling prior to the effective date of this section that the taxes imposed under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 on all retail sales subject to sales tax in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge:

(a) A seller or general retailer who collected and remitted the tax imposed under sections 190.292 or 190.335 on all retail sales subject to sales tax in a taxing jurisdiction that did not opt out of such tax under the provisions of subsection 6 of section 190.460, shall not be required to refund such taxes to taxpayers;

(b) All requests for refunds by taxpayers shall be made directly to the taxing jurisdiction. The department of revenue shall develop procedures and forms for taxpayers requesting refunds from taxing jurisdictions;

(c) This subsection applies to taxes collected between January 1, 2019, and the first day of the calendar month following a declaratory ruling by a court of competent jurisdiction that the taxes imposed under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 on all retail sales subject to sales tax in taxing jurisdictions that did not opt out of the collection of the prepaid wireless emergency telephone service charge.

(2) If this section goes into effect prior to a court of competent jurisdiction issuing a declaratory ruling, then the provisions of paragraphs (a) and (b) of subdivision (1) of this subsection shall apply from January 1, 2019, until the effective date of this section.

3. (1) If a court of competent jurisdiction issues a declaratory ruling prior to the effective date of this section that the taxes imposed under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 only on sales of prepaid wireless telecommunications services in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge:

(a) A seller or other retailer who did not collect the tax imposed under sections 190.292 or 190.335 on the retail sale of wireless telecommunications service and wireless devices associated therewith shall not be liable for any assessment or incur any other liability on such uncollected taxes;

(b) This subsection applies to assessments for the period beginning January 1, 2019, and ending on the first day of the calendar month following a declaratory ruling by a court of competent jurisdiction that the taxes imposed by under sections 190.292 or 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 only on sales of prepaid wireless telecommunications services in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge.

(2) If this section takes effect prior to a court of competent jurisdiction issuing a declaratory ruling, then the provisions of paragraphs (a) and (b) of subdivision (1) of this subsection shall apply from January 1, 2019, until the effective date of this section.

4. This section shall expire on January 1, 2023.

650.330. BOARD MEMBERS, DUTIES — DEPARTMENT OF PUBLIC SAFETY TO PROVIDE STAFF — RULEMAKING AUTHORITY. — 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;

(2) One member chosen to represent the Missouri 911 Directors Association;

(3) One member chosen to represent emergency medical services and physicians;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(9) One member chosen to represent counties of the second, third, and fourth classification;

(10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;

(11) One member chosen to represent telecommunications service providers;

(12) One member chosen to represent wireless telecommunications service providers;

(13) One member chosen to represent voice over internet protocol service providers; and

(14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

(1) Organize and adopt standards governing the board's formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;

(9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;

(10) Elect the chair from its membership;

(11) Apply for and receive grants from federal, private, and other sources;

(12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;

(13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;

(14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;

(16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:

(a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;

(b) Promotion of consolidation where appropriate;

(c) Mapping and addressing all county locations;

(d) Ensuring primary access and texting abilities to 911 services for disabled residents;

(e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and

(f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds

are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;

(18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;

(19) Retain in its records proposed county plans developed under subsection 10 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;

(20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;

(21) Establish criteria for consolidation prioritization of public safety answering points; **[**and**]**

(22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network**; and**

(23) Establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, post records, minutes, and reports on the board's web page on the department of public safety website.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of **sections 190.455, 190.460, 190.465, 190.470, 190.475, and** sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

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

Approved July 9, 2019

SB 297

Enacts provisions relating to jury duty.

AN ACT to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION

A. Enacting clause.

494.430 Persons entitled to be excused from jury service — determinations made by judge — undue or extreme physical or financial hardship defined — documentation required, when.

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

SECTION A. ENACTING CLAUSE. — Section 494.430, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 494.430, to read as follows:

494.430. PERSONS ENTITLED TO BE EXCUSED FROM JURY SERVICE — DETERMINATIONS MADE BY JUDGE — UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP DEFINED — DOCUMENTATION REQUIRED, WHEN. — 1. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

(1) Any person who has served on a state or federal petit or grand jury within the preceding two years;

(2) Any nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother;

(3) Any person whose absence from his or her regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;

(4) Any person upon whom service as a juror would in the judgment of the court impose an undue or extreme physical or financial hardship;

(5) Any person licensed as a health care provider as such term is defined in section 538.205, but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person's service as a juror would be detrimental to the health of the person's patients;

(6) Any employee of a religious institution whose religious obligations or constraints prohibit their serving on a jury. The certification of the employment and obligation or constraint may be provided by the employee's religious supervisor**;**

(7) Any person who is seventy-five years of age or older.

2. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary.

3. A person asking to be excused based on a finding of undue or extreme physical or financial hardship must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

4. Unless it is apparent to the court that the physical hardship would significantly impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue or extreme physical or financial hardship is limited to circumstances in which an individual would:

(1) Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or

(2) Incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principal means of support; or

(3) Suffer physical hardship that would result in illness or disease.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

5. Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment.

6. A person asking a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation as required by the judge, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused. Such documents shall be filed under seal.

7. After two years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

Approved July 9, 2019

SS SB 306

Enacts provisions relating to education for members of the military families, with existing penalty provisions.

AN ACT to repeal sections 167.020, 173.234, 173.900, and 173.1155, RSMo, and to enact in lieu thereof four new sections relating to education for members of the military families, with existing penalty provisions.

SECTION

A.	Enacting clause.
167.020	Registration requirements — residency — homeless child or youth defined — recovery of costs, when — records to be requested, provided, when.
173.234	Definitions — grants to be awarded, when, duration — duties of the board — rulemaking authority — eligibility criteria — sunset provision.
173.900	Combat veteran defined — tuition limit for combat veterans, procedure.
173.1155	Dependents of military personnel assigned geographically within this state eligible for in-state tuition.

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

SECTION A. ENACTING CLAUSE. — Sections 167.020, 173.234, 173.900, and 173.1155, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 167.020, 173.234, 173.900, and 173.1155, to read as follows:

167.020. REGISTRATION REQUIREMENTS — RESIDENCY — HOMELESS CHILD OR YOUTH DEFINED — RECOVERY OF COSTS, WHEN — RECORDS TO BE REQUESTED, PROVIDED, WHEN. — 1. As used in this section, the term "homeless child" or "homeless youth" shall mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child or youth who:

(1) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection.

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et seq., that the student attends private school within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian. For instances in which the family of a student living in Missouri co-locates to live with other family members or live in a military family support community because one or both of the child's parents are stationed or deployed out of state or deployed within Missouri under **[**Title 32 or Title 10**]** active duty orders **under Title 10 or Title 32 of the United States Code**, the student may attend the school district in which the family member's residence or family support community is located. If the active duty orders expire during the school year, the student may finish the school year in that district; **[**or**]**

(2) Proof that the person registering the student has requested a waiver under subsection 3 of this section within the last forty-five days**; or**

(3) Proof that one or both of the child's parents are being relocated to the state of Missouri under military orders.

In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's designee may convene a hearing within five working days of the request to register and determine whether or not the pupil may register.

3. Any person subject to the requirements of subsection 2 of this section may request a waiver from the district board of any of those requirements on the basis of hardship or good cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver of the requirements of subsection 2 of this section. The district board or committee of the board appointed by the president and which shall have full authority to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five days after receipt of the waiver request made under this subsection or the waiver request shall be granted. The district board or committee of the board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board or committee of the board may also reject the request for a waiver in which case the pupil shall not be allowed to register. Any person aggrieved by a decision of a district board or committee of the board on a request for a waiver under this subsection may appeal such decision to the circuit court in the county where the school district is located.

4. Any person who knowingly submits false information to satisfy any requirement of subsection 2 of this section is guilty of a class A misdemeanor.

5. In addition to any other penalties authorized by law, a district board may file a civil action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of school

attendance for any pupil who was enrolled at a school in the district and whose parent, military guardian or legal guardian filed false information to satisfy any requirement of subsection 2 of this section.

6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or youth, or a pupil attending a school not in the pupil's district of residence as a participant in an interdistrict transfer program established under a court-ordered desegregation program, a pupil who is a ward of the state and has been placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed in a residential facility by a juvenile court, a pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program, or a pupil attending a regional or cooperative alternative education program or an alternative education program on a contractual basis.

7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 9 of section 160.261 from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E).

8. If one or both of a child's parents are being relocated to the state of Missouri under military orders, a school district shall allow remote registration of the student and shall not require the parent or legal guardian of the student or the student himself or herself to physically appear at a location within the district to register the student. Proof of residency, as described in this section, shall not be required at the time of the remote registration but shall be required within ten days of the student's attendance in the school district.

173.234. DEFINITIONS — GRANTS TO BE AWARDED, WHEN, DURATION — DUTIES OF THE BOARD — RULEMAKING AUTHORITY — ELIGIBILITY CRITERIA — SUNSET PROVISION. — 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Board", the coordinating board for higher education;

(2) "Books", any books required for any course for which tuition was paid by a grant awarded under this section;

(3) "Eligible student", the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at the time of death or injury or within five years subsequent to the injury, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury or within five years subsequent to the injury;

(4) "Grant", the veteran's survivors grant as established in this section;

(5) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of subsection 1 of section 173.1102;

(6) "Qualifying military member", any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

(b) A veteran died or was injured as a result of combat action or a veteran's death or injury was certified by the Department of Veterans' Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) "Combat veteran", a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) "Survivor", an eligible student of a qualifying military member;

(8) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;

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(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically eligible student of a qualifying military member. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. **[**Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall be reauthorized as of June 13, 2016, and shall expire on August 28, 2020, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after June 13, 2016; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**]** **Provisions of section 23.253 shall not apply to this section.**

173.900. COMBAT VETERAN DEFINED — TUITION LIMIT FOR COMBAT VETERANS, PROCEDURE. — 1. This act shall be known and may be cited as the "Missouri Returning Heroes' Education Act".

2. For the purpose of this section, the term "combat veteran" shall mean a person who served in armed combat **[**in the military after September 11, 2001**]**, **which shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits,** and to whom the following criteria shall apply:

(1) The veteran **[**was a Missouri resident when first entering the military**]** **is eligible to register to vote in Missouri, or is eligible to vote, as determined by the Missouri secretary of state, or is a current Missouri resident**; and

(2) The veteran was discharged from military service under honorable conditions.

3. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. The period during which a combat veteran is eligible for a

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tuition limitation under this section shall expire at the end of the ten-year period beginning on the date of such veteran's last discharge from service.

4. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to no more than thirty percent of the cost of tuition and fees. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a graduate degree, including master and doctorate degrees. For the purposes of this section, "graduate degree" shall not be construed to include professional degrees. Professional degrees may include but are not limited to law, medicine, or veterinary degrees. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the twenty-year period beginning on the date of such veteran's last discharge from service.

[4.**]** **5.** The coordinating board for higher education shall ensure that all applicable institutions of higher education in this state comply with the provisions of this section and may promulgate rules for the efficient implementation of this section.

[5.**]** **6.** If a combat veteran is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the veteran. The tuition limitation under this section **[**shall**]** **may, at the combat veteran's discretion,** be provided before all other federal and state aid for which the veteran is eligible has been applied. **The public institution of higher education shall provide each combat veteran with written notice of this option and maintain a copy signed by the veteran in their official file.**

[6.**]** **7.** Each institution may report to the board the amount of tuition waived in the previous fiscal year under the provisions of this act. This information may be included in each institution's request for appropriations to the board for the following year. The board may include this information in its appropriations recommendations to the governor and the general assembly. The general assembly may reimburse institutions for the cost of the waiver for the previous year as part of the operating budget. Nothing in this subsection shall be construed to deny a combat veteran a tuition limitation if the general assembly does not appropriate money for reimbursement to an institution.

[7.**]** **8.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

173.1155. DEPENDENTS OF MILITARY PERSONNEL ASSIGNED GEOGRAPHICALLY WITHIN THIS STATE ELIGIBLE FOR IN-STATE TUITION. — Notwithstanding any other provision of law, all dependents, as defined by 37 U.S.C. Section 401, of active duty military personnel, or activated or temporarily mobilized reservists or guard members, assigned to a permanent duty station or workplace geographically located in this state, who reside in this state, shall be deemed to be domiciled in this state for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition at public institutions of higher education in this state. **The determination of eligibility for in-state tuition shall be made at the time the dependent is accepted for admission by the institution.** All such dependents shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as he or she is continuously enrolled in an

undergraduate or graduate degree program of an institution of higher education in Missouri, or transferring between Missouri institutions of higher education or from an undergraduate degree program to a graduate degree program.

Approved July 9, 2019

SB 333

Enacts provisions relating to a sales tax for fire protection.

AN ACT to repeal section 321.242, RSMo, and to enact in lieu thereof one new section relating to a sales tax for fire protection.

SECTION

A. Enacting clause.

321.242 Additional sales tax, certain cities — ballot, form — fire protection sales tax trust fund, deposit of funds — abolition of tax, procedure — dissolution of district, effect.

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

SECTION A. ENACTING CLAUSE. — Section 321.242, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.242, to read as follows:

321.242. ADDITIONAL SALES TAX, CERTAIN CITIES — BALLOT, FORM — FIRE PROTECTION SALES TAX TRUST FUND, DEPOSIT OF FUNDS — ABOLITION OF TAX, PROCEDURE — DISSOLUTION OF DISTRICT, EFFECT. — 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to **[**one-fourth**]** **one-half** of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall _____ (insert name of district or municipality) impose a sales tax of _____ (insert rate of tax) for the purpose of providing revenues for the operation of the _____ (insert fire protection district or municipal fire department)?

☐ YES ☐ NO

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district or municipality shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or the municipal fire department.

4. All sales taxes collected by the director of revenue pursuant to this section or section 321.246 on behalf of any fire protection district or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in the fire protection district sales tax trust fund created prior to August 28, 1999, shall be transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and of the amounts which were collected in each fire protection district or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district or municipality and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district or municipality which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district or municipality, and all expenditures of funds arising from the fire protection sales tax trust fund shall be for the operation of the fire protection district or the municipal fire department and for no other purpose.

5. The director of revenue may make refunds from the amounts in the trust fund and credited to any fire protection district or municipality for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts or municipalities. If any fire protection district or municipality abolishes the tax, the fire protection district or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district or municipality, the director of revenue shall remit the balance in the account to the fire protection district or municipality and close the account of that fire protection district or municipality. The director of revenue shall notify each fire protection district or municipality of each instance of any amount refunded or any check redeemed from receipts due the fire protection district or municipality. In the event a tax within a fire protection district is approved pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

Approved July 9, 2019

CCS SB 368

Enacts provisions relating to transportation, with existing penalty provisions.

AN ACT to repeal sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with existing penalty provisions.

SECTION

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

SECTION A. ENACTING CLAUSE. — Sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, to read as follows:

68.040. BONDS OF PORT AUTHORITY, ISSUED, WHEN — AUTHORIZED AS INVESTMENTS — TAX EXEMPTION — PROCEDURE FOR ISSUANCE OF BONDS AND NOTES. — 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities

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and the financing of port improvement projects; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality**,** or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers. **Additionally, the leases of both real and personal property by or to any port authority involving the issuance of bonds authorized under this chapter shall be exempt from taxation. A port authority issuing bonds under this chapter for incentivized development shall require the developer of any project which is to be leased to such developer, or any other party, to confer with the affected taxing authorities, and subsequently contractually require the payment of such sums as they may agree upon, or the port authority may elect to require such sums to be allocated among such taxing authorities on the same pro rata basis as are ad valorem property tax revenues.**

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

144.070. PURCHASE OR LEASE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS, TAX ON — OPTION GRANTED LESSOR — APPLICATION TO ACT AS LEASING COMPANY. — 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or

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outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing **or rental** company **and pay an annual fee of two hundred fifty dollars for such authority**. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. **Every applicant to be a lease or rental company shall furnish with the application a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the lease or rental company complying with the provisions of any statutes applicable to lease or rental companies, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the lease or rental license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.**

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.**]** **8.** If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.

[8.**]** **10.** Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

194.225. PROCEDURE FOR MAKING A GIFT — DONOR CARDS, REQUIREMENTS — GIFT MADE BY WILL, EFFECT OF. — 1. A donor may make an anatomical gift:

(1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the **face of the** donor's driver's license or identification card**, or by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of the donor's driver's license or identification card indicating that the donor has made an anatomical gift**;

(2) In a will;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(3) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults at least one of whom is a disinterested witness; or

(4) As provided in subsection 2 of this section.

2. A donor or other person authorized to make an anatomical gift under section 194.220 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or the other person and shall:

(1) Be witnessed by at least two adults at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) State that it has been signed and witnessed as provided in subdivision (1) of subsection 1 of this section.

3. Revocation, suspension, expiration, or cancellation of the driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

5. The department of health and senior services shall include on its website information about organ donation and a link where persons making an anatomical gift can register. Once a person has registered as a donor on the website, the department of health and senior services shall contact the department of revenue to determine whether the organ donor symbol is printed on the front of the registrant's driver's license or identification card. If the donor symbol does not appear on the front of the registrant's driver's license or identification card, the department of health and senior services shall mail to the registrant, through first class mail, a donor symbol sticker to be placed on the back of his or her driver's license or identification card as provided under this section and section 302.171.

6. All state agencies and departments may provide a link on the homepage of their website directing the public to the organ donation information and registration link on the department of health and senior services website.

301.032. FLEET VEHICLE REGISTRATION, DIRECTOR TO ESTABLISH SYSTEM — PROCEDURES — SPECIAL LICENSE PLATES — EXEMPT FROM INSPECTION REQUIREMENTS, WHEN. — 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an

application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. **[**The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.**]**

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

6. Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.

(1) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.

(2) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.

8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January 1 of the licensure period.

10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.

11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

301.560. APPLICATION REQUIREMENTS, ADDITIONAL — BONDS, FEES, SIGNS REQUIRED — LICENSE NUMBER, CERTIFICATE OF NUMBERS — DUPLICATE DEALER PLATES, ISSUES, FEES — TEST DRIVING MOTOR VEHICLES AND VESSELS, USE OF PLATES — PROOF OF EDUCATIONAL SEMINAR REQUIRED, EXCEPTIONS, CONTENTS OF SEMINAR. — 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop

area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant shall maintain a working telephone number during the entire registration year which will allow the public, the department, and law enforcement to contact the applicant during regular business hours. The applicant shall also maintain an email address during the entire registration year which may be used for official correspondence with the department. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.580. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of fifty thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the

aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Except as otherwise provided in subsection 6 of this section, upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application and payment by the applicant of a fee of fifty dollars for the first plate or certificate and ten dollars and fifty cents for each additional plate or certificate. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. The license plates described in this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers	D-0 through D-999
New powersport dealers	D-1000 through D-1999
Used motor vehicle and used powersport dealers	D-2000 through D-9999
Wholesale motor vehicle dealers	W-0 through W-1999
Wholesale motor vehicle auctions	WA-0 through WA-999
New and used trailer dealers	T-0 through T-9999
Motor vehicle, trailer, and boat manufacturers	DM-0 through DM-999
Public motor vehicle auctions	A-0 through A-1999
Boat dealers	M-0 through M-9999
New and used recreational motor vehicle dealers	RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed motor vehicle dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer. If the new approved dealer applicant elects not to retain the selling dealer's license number, the department shall issue the new dealer applicant a new dealer's license number and an equal number of plates or certificates as the department had issued to the selling dealer.

6. In the case of motor vehicle dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue one additional number plate to the applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for the additional number plate. The department may issue a third plate to the motor vehicle dealer upon completion of the dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents. In the case of new motor vehicle manufacturers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, **for use by any customer while the customer's vehicle is being serviced or repaired by the motor vehicle dealer,** for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of

subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department.

10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.580, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.580, and any other rules and regulations promulgated by the department.

302.170. FEDERAL REAL ID ACT, COMPLIANCE WITH — DEFINITIONS — RETENTION OF DOCUMENTS — INAPPLICABILITY, WHEN — ISSUANCE OF COMPLIANT LICENSES AND ID CARDS, PROCEDURE — BIOMETRIC DATA RESTRICTIONS — PRIVACY — VIOLATIONS, CIVIL DAMAGES AND CRIMINAL PENALTIES — DATA RETENTION — EXPIRATION DATE. — 1. As used in this section, the following terms shall mean:

(1) "Biometric data", shall include, but not be limited to, the following:

(a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) "Commercial purposes", shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) "Source documents", original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as

provided or required by subsection 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners **and Missouri commercial third-party tester examiners**;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit;

(5) Documents submitted by a commercial driver's license **or commercial driver's instruction permit** applicant who is a Missouri resident and is **[**active duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101**] a qualified current or former military service member**, which allows for waiver of the commercial driver's license knowledge test, skills test, or both; and

(6) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data

collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

15. The provisions of this section shall expire five years after August 28, 2017.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

302.171. APPLICATION FOR LICENSE — FORM — CONTENT — EDUCATIONAL MATERIALS TO BE PROVIDED TO APPLICANTS UNDER TWENTY-ONE — VOLUNTARY CONTRIBUTION TO ORGAN DONATION PROGRAM — INFORMATION TO BE INCLUDED IN REGISTRY — VOLUNTARY CONTRIBUTION TO BLINDNESS ASSISTANCE — EXEMPTION FROM REQUIREMENT TO PROVIDE PROOF OF RESIDENCY — ONE-YEAR RENEWAL, REQUIREMENTS. — 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by

the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by **[**completing the form on the reverse of the license that the applicant will receive in the manner**] placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as** prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol **[**shall**] may** be placed on the front of the **[**document**] license or identification card** indicating the applicant's desire to be listed in the registry **at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services' website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift**. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

5. All appeals of denials under this section shall be made as required by section 302.311.

6. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

7. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

8. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

10. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.

302.720. OPERATION WITHOUT LICENSE PROHIBITED, EXCEPTIONS — INSTRUCTION PERMIT, USE, DURATION, FEE — LICENSE, TEST REQUIRED, CONTENTS, FEE — DIRECTOR TO PROMULGATE RULES AND REGULATIONS FOR CERTIFICATION OF THIRD-PARTY TESTERS — CERTAIN PERSONS PROHIBITED FROM OBTAINING LICENSE, EXCEPTIONS — THIRD-PARTY TESTERS, WHEN. — 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be **nonrenewable and** valid for the vehicle being operated for a period of not more than **[**six months**]** **one year**, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. **[**A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period.**]** The fee for such permit or renewal shall be **[**five**]** **ten** dollars. **[**In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal

shall be five dollars.**] The fee for a duplicate commercial driver's instruction permit shall be five dollars.**

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Beginning January 1, 2020, all applicants for a commercial driver's license shall complete any entry-level driver training program established and required under 49 CFR 380.609.** All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall **[**only**]** issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(5) The director shall have the authority to waive the driving skills test **and written tests** for any qualified **current or former** military **service member** applicant for a commercial driver's **instruction permit or a commercial driver's** license who is currently licensed at the time of application for a commercial driver's **instruction permit or** license. The director shall impose conditions and limitations **and require certification and evidence** to restrict the applicants from whom the department may accept **the** alternative requirements for the skills **[**test**]** **and written tests** described in federal **[**regulation**]** **regulations 49 CFR 383.71 and** 49 CFR 383.77. **[**An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or cancelled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;

(f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i)**]** The applicant must meet all federal and state qualifications to operate a commercial vehicle**[**;**],** and

[(j)**]** the applicant will be required to complete all applicable knowledge tests**, except when an applicant provides proof of approved military training for waiving the knowledge and skills tests as specified in this subdivision**.

3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a

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condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

6. Notwithstanding the provisions of this section or any other law to the contrary, beginning December 1, 2019, the director of the department of revenue shall certify as a third-party tester any private education institution or other private entity, provided the institution or entity meets the necessary qualifications required by the state.

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver**, until such time as the medical examiner's certificate information is received electronically through the Federal Motor Carrier Safety Administration approved verification system**. The state shall retain the **[**original or copy of the**]** documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide **[**an**]** updated medical certificate or variance **[**documents**]** **information** to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to

annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

Approved July 9, 2019

SS SB 391

Enacts provisions relating to agricultural operations, with an existing penalty provision.

AN ACT to repeal sections 192.300, 640.715, and 640.745, RSMo, and to enact in lieu thereof five new sections relating to agricultural operations, with an existing penalty provision.

SECTION

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

SECTION A. ENACTING CLAUSE. — Sections 192.300, 640.715, and 640.745, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 21.900, 192.300, 640.715, 640.745, and 1, to read as follows:

21.900. COMMITTEE ESTABLISHED, MEMBERS, APPOINTMENT, MEETINGS — RESEARCH, REPORT — DISSOLUTION OF COMMITTEE, WHEN. — 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Agriculture" to be comprised of five members of the senate, five members of the house of representatives, the

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director of the department of agriculture or his or her designee, and the director of the department of natural resources or his or her designee. The senate members shall be appointed by the president pro tempore and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. No party shall be represented by more than three members from the senate nor more than three members from the house. A majority of the members of the committee shall constitute a quorum.

2. The joint committee on agriculture shall meet within thirty days after its creation and organize by selecting two co-chairs, one of whom shall be a member of the senate and the other a member of the house of representatives.

3. The committee shall meet at the call of either co-chair or upon request of any member and shall hear public testimony on the items set forth in subsection 6 of this section.

4. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

5. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund, except for members of the committee who are not members of the general assembly.

6. The committee shall conduct research on the following:

(1) The economic impact of Missouri's agricultural industry in the state, including its contribution to state and local tax revenues;

(2) The industry's ongoing efforts to improve environmental stewardship while improving the economic sustainability of Missouri agriculture;

(3) The creation of incentives to encourage members of the agricultural industry to adopt best practices to scientifically address Missouri's carbon footprint; and

(4) Missouri residents' views on agricultural issues via public testimony.

7. The committee shall compile a full report of its activities for submission to the general assembly. The first report shall be submitted not later than January 15, 2021, and not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

8. The department of agriculture and the department of natural resources shall cooperate with and assist the committee in the performance of its duties and shall make available all public records and information requested.

9. The committee shall dissolve on January 15, 2024.

192.300. COUNTIES MAY MAKE ADDITIONAL HEALTH RULES — FEES MAY BE CHARGED, DEPOSIT IN COUNTY TREASURY, PURPOSE — INDIVIDUALS UNABLE TO PAY NOT TO BE DENIED HEALTH SERVICES — RECORDS AND PUBLICATION — VIOLATION A MISDEMEANOR. — 1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not**:**

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) Be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198**; or**

(2) Impose standards or requirements on an agricultural operation and its appurtenances, as such term is defined in section 537.295, that are inconsistent with or more stringent than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation promulgated under such chapters.

2. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated.

3. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation.

4. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

640.715. NOTIFICATION BY OWNERS OR OPERATORS, INFORMATION REQUIRED — DEPARTMENT TO ISSUE PERMIT, WHEN. — 1. Prior to filing an application to acquire an operating permit for a new or expanded facility from the department, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide the following information to the department, to the county governing body and to all adjoining property owners**, via certified mail,** of property located within **[**one and one-half**] three** times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

(1) The number of animals anticipated at such facility;

(2) The waste handling plan and general layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) Notice that the department will accept written comments from the public for a period of thirty days; and

(6) The address of the regional or state office of the department.

The department shall require proof of such notification upon accepting an application for an operating permit for a new or expanded facility. The department shall accept written comments from the public for thirty days after receipt of application for such permit.

2. The department shall not issue an operating permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall issue an operating permit or respond with a letter of comment to the owner or operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section. **No construction on a new or expanded facility shall commence until the department has issued an operating permit to the owner or operator of such facility.**

640.745. FEE TO BE PAID BY FACILITY OWNER/OPERATOR, WHEN, AMOUNT — FUND EXPENDED, HOW, LIMIT — CLOSURE ACTIVITIES. — 1. The owner or operator of each class IA concentrated animal feeding operation utilizing flush systems shall remit to the department of natural resources a fee of ten cents per animal unit permitted to be deposited in the fund. The fee is due and payable to the department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for nine years thereafter on the same date. The department of natural resources shall provide forms which such owner or operator shall use to file and pay this fee.

2. The fund shall be administered by the department for the purpose of carrying out the provisions of sections 640.700 to 640.755, relating to closure of class IA, class IB, class IC and class II concentrated animal feeding operation wastewater lagoons.

3. The fund administrators may only expend moneys for animal waste lagoon closure activities on real property which:

(1) Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and pose a threat to human health, the environment, or a threat to groundwater; and

(2) The state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to **remediate the property or** sell said property to a qualifying purchaser.

4. The fund administrators shall expend no more than one hundred thousand dollars per lagoon for animal waste lagoon closure activities. The fund administrators shall only expend those moneys necessary to achieve a minimum level of closure and still protect human health and the environment. Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at a nutrient management application rate based on the most limiting nutrient as determined by Missouri clean water commission regulation. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements of the Natural Resources Conservation Service (NRCS) with minimal additional expense should be maintained as a pond. Otherwise, the lagoon berms should be breached and graded in such a manner to reasonably conform to the surrounding land contours.

SECTION 1. LIQUIFIED MANURE, SURFACE APPLIED, REQUIRED SETBACK. — Notwithstanding any provision of law to the contrary, all liquified manure from a concentrated animal feeding operation that is purchased or received by a third party and is surface-applied shall maintain an application setback of at least fifty feet from a property boundary, three hundred feet from any public drinking water lake, three hundred feet from any public drinking water well, three hundred feet from any public drinking water intake structure, one hundred feet from any perennial and intermittent streams without vegetation abutting such streams, and thirty five feet from any perennial and intermittent streams with

vegetation abutting such streams. If the department of natural resources promulgates rules providing for a distance requirement for the application of liquified manure from a concentrated animal feeding operation that is stricter than the provisions of this section, such rules shall apply to the spread of all liquified manure subject to the provisions of this section. Any violation of this section shall be subject to the penalties set forth in section 644.076.

Approved May 31, 2019

SB 397

Enacts provisions relating to the petition process for the creation of a museum and cultural district.

AN ACT to repeal section 184.815, RSMo, and to enact in lieu thereof one new section relating to the petition process for the creation of a museum and cultural district.

SECTION

A. Enacting clause.

184.815 Petition for creation of district to be filed, when — size of district — petition contents — objections to petition, when raised.

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

SECTION A. ENACTING CLAUSE. — Section 184.815, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 184.815, to read as follows:

184.815. PETITION FOR CREATION OF DISTRICT TO BE FILED, WHEN — SIZE OF DISTRICT — PETITION CONTENTS — OBJECTIONS TO PETITION, WHEN RAISED. — 1. Whenever the creation of a district is desired, the owners of real property who own at least two-thirds of the real property within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located. Any petition to create a museum and cultural district pursuant to the provisions of sections 184.800 to 184.880 shall be filed within **[**five**]** **fifteen** years after the Presidential declaration establishing the disaster area.

2. The proposed district area may contain one or more parcels of real property, which may or may not be contiguous and may further include any portion of one or more municipalities.

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed, including a description of the proposed museum or museums and cultural asset or cultural assets and a general plan for operation of each museum and each cultural asset within the district; and

(4) The name of the proposed district.

4. In the event any owner of real property within the proposed district who is named in the petition shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner in the manner provided by

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supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

Approved June 24, 2019

SB 514

Enacts provisions relating to health care with an emergency clause for a certain section.

AN ACT to repeal sections 191.603, 191.605, 191.607, 191.737, 192.067, 192.667, 193.015, 195.060, 195.080, 195.100, 196.100, 198.082, 208.146, 208.151, 208.225, 208.790, 208.930, 221.111, 332.361, 334.037, 334.104, 334.108, 334.735, 334.736, 334.747, 334.749, 335.175, 337.712, 338.010, 338.015, 338.055, 338.056, 338.140, 374.500, 376.690, 376.1040, 376.1042, 376.1224, 376.1350, 376.1356, 376.1363, 376.1372, 376.1385, 630.175, and 630.875, RSMo, and to enact in lieu thereof sixty-one new sections relating to health care with an emergency clause for a certain section.

SECTION

A.	Enacting clause.
21.790	Task force established, members — duties — report.
191.603	Definitions.
191.605	Department to designate as areas of need — factors to be considered.
191.607	Qualifications for eligibility established by department.
191.737	Children exposed to substance abuse, referral by physician to children's division — services to be initiated within seventy-two hours — physician making referral immune from civil liability — confidentiality of report.
191.1164	Citation of law — definitions.
191.1165	Medication-assisted treatment — formulary medications and requirements — disclosure of MAT services provided — drug courts, assessment for substance use disorders.
191.1167	Contracts, policies, or procedures in violation of act deemed null and void.
191.1168	Severability clause.
192.067	Patients' medical records, department may receive information from — purpose — confidentiality — immunity for persons releasing records, exception — penalty — costs, how paid.
192.667	Health care providers, financial data, submission of data on infections to be collected, rules, recommendation — federal guidelines to be implemented — collection and use of data, restrictions, penalty — public reports required, when, requirements — rulemaking authority — antimicrobial stewardship program, report.
192.990	Board established, purpose — definitions — members, duties — report — data to be provided to department — confidentiality — use of grant funds.
193.015	Definitions.
195.060	Controlled substances to be dispensed on prescription only, exception.
195.080	Excepted substances — prescription or dispensing limitation on amount of supply, exception — may be increased by physician, procedure.
195.100	Labeling requirements.
195.550	Electronic prescriptions required, when, exceptions — violations.
195.820	Medical cannabis, processing fee authorized, when.
196.100	When drug or device misbranded.
197.108	Former employees not to inspect or survey hospital — required disclosures — conflict of interest reporting.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

198.082 Nursing assistant training programs — training incomplete, special requirements and supervision for assistant beginning duties.
208.146 Ticket-to-work health assurance program — eligibility — expiration date.
208.151 Medical assistance, persons eligible — rulemaking authority.
208.225 Medicaid per diem rate recalculation for nursing homes, amount.
208.790 Applicants required to have fixed place of residence, rules — eligibility income limits subject to appropriations, rules.
208.896 Structured family caregiving, department to apply for federal waiver — requirements — rulemaking authority.
208.930 Consumer-directed personal care assistance services, reimbursement for through eligible vendors — eligibility requirements — documentation — service plan required — premiums, amount — annual reevaluation — denial of benefits, procedure — expiration date.
217.930 Suspension of MO HealthNet medical assistance in lieu of termination, when.
221.111 Delivery or concealment on premises of narcotics, liquor, or prohibited articles, penalties — visitation denied, when — personal items permitted to be posted.
221.125 Suspension of MO HealthNet medical assistance in lieu of termination, when.
332.361 Dentist may prescribe, possess and administer drugs.
334.037 Assistant physicians, collaborative practice arrangements, requirements — rulemaking authority — identification badges required, when — prescriptive authority.
334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
334.108 Telemedicine or internet prescriptions and treatment, establishment of physician-patient relationship required.
334.735 Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
334.736 Physician assistants, temporary license, requirements, fees, renewal.
334.747 Prescribing controlled substances authorized, when — supervising physicians — certification.
334.749 Advisory commission for physician assistants, established, responsibilities — appointments to commission, members — compensation — annual meeting, elections.
335.175 Utilization of telehealth by nurses established — rulemaking authority — sunset provision.
337.712 Licenses, application, oath, fee — lost certificates — fund.
338.010 Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — report — ShowMeVax system, notice.
338.015 Patient's freedom of choice to obtain prescription services, waiver — consultation and advice.
338.055 Denial, revocation or suspension of license, grounds for — expedited procedure — additional discipline authorized, when.
338.056 Generic substitutions may be made, when, requirements — violations, penalty.
338.140 Board of pharmacy, powers, duties — advisory committee, appointment, duties — letters of reprimand, censure or warning.
338.143 Technology assisted verification or remote medication dispensing, pilot or demonstration research project authorized — definitions — requirements — expiration date — report.
338.665 Nicotine replacement therapy product, defined — prescribing and dispensing, rulemaking authority.
374.500 Definitions.
376.690 Unanticipated out-of-network care, claim procedure — limitation on amount billed to patient — external arbitration process — rulemaking authority.
376.1040 Plan not to be offered to general public — marketing restrictions.
376.1042 Marketing by agent, agency or broker violation of law.
376.1224 Definitions — insurance coverage required — limitations on coverage — maximum benefit amount, adjustments — reimbursements, how made — applicability to plans — waiver, when — report.
376.1345 Method of reimbursement not to require fee, discount, or renumeration — notification requirements — electronic funds transfer, when — violation, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 191.603, 191.605, 191.607, 191.737, 192.067, 192.667, 193.015, 195.060, 195.080, 195.100,196.100, 198.082, 208.146, 208.151, 208.225, 208.790, 208.930, 221.111, 332.361, 334.037, 334.104, 334.108, 334.735, 334.736, 334.747, 334.749, 335.175, 337.712, 338.010, 338.015, 338.055, 338.056, 338.140, 374.500, 376.690, 376.1040, 376.1042, 376.1224, 376.1350, 376.1356, 376.1363, 376.1372, 376.1385, 630.175, and 630.875, RSMo, are repealed and sixty-one new sections enacted in lieu thereof, to be known as sections 21.790, 191.603, 191.605, 191.607, 191.737, 191.1164, 191.1165, 191.1167, 191.1168, 192.067, 192.667, 192.990, 193.015, 195.060, 195.080, 195.100, 195.550, 195.820, 196.100, 197.108, 198.082, 208.146, 208.151, 208.225, 208.790, 208.896, 208.930, 217.930, 221.111, 221.125, 332.361, 334.037, 334.104, 334.108, 334.735, 334.736, 334.747, 334.749, 335.175, 337.712, 338.010, 338.015, 338.055, 338.056, 338.140, 338.143, 338.665, 374.500, 376.690, 376.1040, 376.1042, 376.1224, 376.1345, 376.1350, 376.1356, 376.1363, 376.1364, 376.1372, 376.1385, 630.175, and 630.875, to read as follows:

21.790. TASK FORCE ESTABLISHED, MEMBERS — DUTIES — REPORT. — 1. There is hereby established the "Task Force on Substance Abuse Prevention and Treatment". The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.

2. The task force shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The task force shall meet at least once during each legislative session and at all other times as the chairperson may designate.

3. The task force shall:

(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;

(2) Explore solutions to substance abuse issues; and

(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.

4. The task force may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house of representatives and the joint committee on legislative research. In the performance of its duties, the task force may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.

5. The task force shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.

191.603. DEFINITIONS. — As used in sections 191.600 to 191.615, the following terms shall mean:

(1) "Areas of defined need", areas designated by the department pursuant to section 191.605, when services of a physician, **including a psychiatrist,** chiropractor**,** or dentist are needed to improve the patient-health professional ratio in the area, to contribute health care professional services to an area of economic impact, or to contribute health care professional services to an area suffering from the effects of a natural disaster;

(2) "Chiropractor", a person licensed and registered pursuant to chapter 331;

(3) "Department", the department of health and senior services;

(4) "General dentist", dentists licensed and registered pursuant to chapter 332 engaged in general dentistry and who are providing such services to the general population;

(5) "Primary care physician", physicians licensed and registered pursuant to chapter 334 engaged in general or family practice, internal medicine, pediatrics or obstetrics and gynecology as their primary specialties, and who are providing such primary care services to the general population**;**

(6) "Psychiatrist", the same meaning as in section 632.005.

191.605. DEPARTMENT TO DESIGNATE AS AREAS OF NEED — FACTORS TO BE CONSIDERED. — The department shall designate counties, communities, or sections of urban areas as areas of defined need for medical, **psychiatric,** chiropractic**,** or dental services when such county, community or section of an urban area has been designated as a primary care health professional shortage area**, a mental health care professional shortage area,** or a dental health care professional shortage area by the federal Department of Health and Human Services, or has been determined by the director of the department of health and senior services to have an extraordinary need for health care professional services, without a corresponding supply of such professionals.

191.607. QUALIFICATIONS FOR ELIGIBILITY ESTABLISHED BY DEPARTMENT. — The department shall adopt and promulgate regulations establishing standards for determining eligible persons for loan repayment pursuant to sections 191.600 to 191.615. These standards shall include, but are not limited to the following:

(1) Citizenship or permanent residency in the United States;

(2) Residence in the state of Missouri;

(3) Enrollment as a full-time medical student in the final year of a course of study offered by an approved educational institution or licensed to practice medicine or osteopathy pursuant to chapter 334**, including psychiatrists**;

(4) Enrollment as a full-time dental student in the final year of course study offered by an approved educational institution or licensed to practice general dentistry pursuant to chapter 332;

(5) Enrollment as a full-time chiropractic student in the final year of course study offered by an approved educational institution or licensed to practice chiropractic medicine pursuant to chapter 331;

(6) Application for loan repayment.

191.737. CHILDREN EXPOSED TO SUBSTANCE ABUSE, REFERRAL BY PHYSICIAN TO CHILDREN'S DIVISION — SERVICES TO BE INITIATED WITHIN SEVENTY-TWO HOURS — PHYSICIAN MAKING REFERRAL IMMUNE FROM CIVIL LIABILITY — CONFIDENTIALITY OF REPORT. — 1. Notwithstanding the physician-patient privilege, any physician or health care provider may refer to the children's division families in which children may have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by **a written assessment, made or approved by a physician, health care provider, or by the children's division, that documents the child as being at risk of abuse or neglect and either**:

(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or

(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child**[**; and

(3) A written assessment made or approved by a physician, health care provider, or by the children's division which documents the child as being at risk of abuse or neglect**]**.

2. Notwithstanding the physician-patient privilege, any physician or health care provider shall refer to the children's division families in which infants are born and identified as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder as evidenced by:

(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or

(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child.

[2**]** **3**. Nothing in this section shall preclude a physician or other mandated reporter from reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

[3**]** **4**. Any physician or health care provider complying with the provisions of this section, in good faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.

[4**]** **5**. Referral and associated documentation provided for in this section shall be confidential and shall not be used in any criminal prosecution.

191.1164. CITATION OF LAW — DEFINITIONS. — 1. Sections 191.1164 to 191.1168 shall be known and may be cited as the "Ensuring Access to High Quality Care for the Treatment of Substance Use Disorders Act".

2. As used in sections 191.1164 to 191.1168, the following terms shall mean:

(1) "Behavioral therapy", an individual, family, or group therapy designed to help patients engage in the treatment process, modify their attitudes and behaviors related to substance use, and increase healthy life skills;

(2) "Department of insurance", the department that has jurisdiction regulating health insurers;

(3) "Financial requirements", deductibles, co-payments, coinsurance, or out-of-pocket maximums;

(4) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;

(5) "Health insurance plan", an individual or group plan that provides, or pays the cost of, health care items or services;

(6) "Health insurer", any person or entity that issues, offers, delivers, or administers a health insurance plan;

(7) "Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)", the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 found at 42 U.S.C. 300gg-26 and its implementing and related regulations found at 45 CFR 146.136, 45 CFR 147.160, and 45 CFR 156.115;

(8) "Nonquantitative treatment limitation" or "NQTL", any limitation on the scope or duration of treatment that is not expressed numerically;

(9) "Pharmacologic therapy", a prescribed course of treatment that may include methadone, buprenorphine, naltrexone, or other FDA-approved or evidence-based medications for the treatment of substance use disorder;

(10) "Pharmacy benefits manager", an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state;

(11) "Prior authorization", the process by which the health insurer or the pharmacy benefits manager determines the medical necessity of otherwise covered health care services prior to the rendering of such health care services. "Prior authorization" also includes any health insurer's or utilization review entity's requirement that a subscriber or health care provider notify the health insurer or utilization review entity prior to receiving or providing a health care service;

(12) "Quantitative treatment limitation" or "QTL", numerical limits on the scope or duration of treatment, which include annual, episode, and lifetime day and visit limits;

(13) "Step therapy", a protocol or program that establishes the specific sequence in which prescription drugs for a medical condition that are medically appropriate for a particular patient are authorized by a health insurer or prescription drug management company;

(14) "Urgent health care service", a health care service with respect to which the application of the time period for making a non-expedited prior authorization, in the opinion of a physician with knowledge of the enrollee's medical condition:

(a) Could seriously jeopardize the life or health of the subscriber or the ability of the enrollee to regain maximum function; or

(b) Could subject the enrollee to severe pain that cannot be adequately managed without the care or treatment that is the subject of the utilization review.

3. For the purpose of this section, "urgent health care service" shall include services provided for the treatment of substance use disorders.

191.1165. MEDICATION-ASSISTED TREATMENT — FORMULARY MEDICATIONS AND REQUIREMENTS — DISCLOSURE OF MAT SERVICES PROVIDED — DRUG COURTS, ASSESSMENT FOR SUBSTANCE USE DISORDERS. — 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed

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by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

(1) Buprenorphine tablets;

(2) Methadone;

(3) Naloxone;

(4) Extended-release injectable naltrexone; and

(5) Buprenorphine/naloxone combination.

2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.

3. MAT medications provided for in this section shall not be subject to any of the following:

(1) Any annual or lifetime dollar limitations;

(2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);

(3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and

(4) Prior authorization for MAT medications as specified in this section.

4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.

5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.

6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.

7. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

8. Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.

191.1167. CONTRACTS, POLICIES, OR PROCEDURES IN VIOLATION OF ACT DEEMED NULL AND VOID. — Any contract provision, written policy, or written procedure in violation of sections 191.1164 to 191.1168 shall be deemed to be unenforceable and shall be null and void.

191.1168. SEVERABILITY CLAUSE. — If any provision of sections 191.1164 to 191.1168 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 191.1164 to 191.1168 which may be given effect without the invalid provision or application, and to that end the provisions of sections 191.1164 to 191.1168 are severable.

192.067. PATIENTS' MEDICAL RECORDS, DEPARTMENT MAY RECEIVE INFORMATION FROM — PURPOSE — CONFIDENTIALITY — IMMUNITY FOR PERSONS RELEASING RECORDS, EXCEPTION — PENALTY — COSTS, HOW PAID. — 1. The department of health and senior services, for purposes of conducting epidemiological studies to be used in promoting and safeguarding the health of the citizens of Missouri under the authority of this chapter is authorized to receive information from patient medical records. The provisions of this section shall also apply to the collection, analysis, and disclosure of nosocomial infection data from patient records collected pursuant to section 192.667 **and to the collection of data under section 192.990**.

2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department of health and senior services and except as otherwise authorized by the provisions of sections 192.665 to 192.667**, or section 192.990**. The department of health and senior services, public health authorities and coinvestigators shall use the information collected only for the purposes provided for in this section **[**and**],** section 192.667**, or section 192.990**.

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging confidential information unless such individual organization acted in bad faith or with malicious purpose.

4. The department of health and senior services is authorized to reimburse medical care facilities, within the limits of appropriations made for that purpose, for the costs associated with abstracting data for special studies.

5. Any department of health and senior services employee, public health authority or coinvestigator of a study who knowingly releases information which violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

192.667. HEALTH CARE PROVIDERS, FINANCIAL DATA, SUBMISSION OF DATA ON INFECTIONS TO BE COLLECTED, RULES, RECOMMENDATION — FEDERAL GUIDELINES TO BE IMPLEMENTED — COLLECTION AND USE OF DATA, RESTRICTIONS, PENALTY — PUBLIC REPORTS REQUIRED, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY — ANTIMICROBIAL STEWARDSHIP PROGRAM, REPORT. — 1. All health care providers shall at least annually provide to the department charge data as required by the department. All hospitals shall at least annually provide patient abstract data and financial data as required by the department. Hospitals as defined in section 197.020 shall report patient abstract data for outpatients and inpatients. Ambulatory surgical centers and abortion facilities as defined in section 197.200 shall provide patient abstract data to the department. The department shall specify by rule the types of information which shall be submitted and the method of submission.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. The department shall collect data on the incidence of health care-associated infections from hospitals, ambulatory surgical centers, abortion facilities, and other facilities as necessary to generate the reports required by this section. Hospitals, ambulatory surgical centers, abortion facilities, and other facilities shall provide such data in compliance with this section. **In order to streamline government and to eliminate duplicative reporting requirements, if the Centers for Medicare and Medicaid Services, or its successor entity, requires hospitals to submit health care-associated infection data, then hospitals and the department shall not be required to comply with the health care-associated infection data reporting requirements of subsections 2 to 17 of this section applicable to hospitals, except that the department shall post a link on its website to publicly reported data by hospitals on the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor.**

3. The department shall promulgate rules specifying the standards and procedures for the collection, analysis, risk adjustment, and reporting of the incidence of health care-associated infections and the types of infections and procedures to be monitored pursuant to subsection 13 of this section. In promulgating such rules, the department shall:

(1) Use methodologies and systems for data collection established by the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(2) Consider the findings and recommendations of the infection control advisory panel established pursuant to section 197.165.

4. By January 1, 2017, the infection control advisory panel created by section 197.165 shall make recommendations to the department regarding the Centers for Medicare and Medicaid Services' health care-associated infection data collection, analysis, and public reporting requirements for hospitals, ambulatory surgical centers, and other facilities in the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor, in lieu of all or part of the data collection, analysis, and public reporting requirements of this section. The advisory panel recommendations shall address which hospitals shall be required as a condition of licensure to use the National Healthcare Safety Network for data collection; the use of the National Healthcare Safety Network for risk adjustment and analysis of hospital submitted data; and the use of the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor, for public reporting of the incidence of health care-associated infection metrics. The advisory panel shall consider the following factors in developing its recommendation:

(1) Whether the public is afforded the same or greater access to facility-specific infection control indicators and metrics;

(2) Whether the data provided to the public is subject to the same or greater accuracy of risk adjustment;

(3) Whether the public is provided with the same or greater specificity of reporting of infections by type of facility infections and procedures;

(4) Whether the data is subject to the same or greater level of confidentiality of the identity of an individual patient;

(5) Whether the National Healthcare Safety Network, or its successor, has the capacity to receive, analyze, and report the required data for all facilities;

(6) Whether the cost to implement the National Healthcare Safety Network infection data collection and reporting system is the same or less.

5. After considering the recommendations of the infection control advisory panel, and provided that the requirements of subsection 13 of this section can be met, the department shall implement guidelines from the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor. It shall be a condition of licensure for hospitals that

meet the minimum public reporting requirements of the National Healthcare Safety Network and the Centers for Medicare and Medicaid Services to participate in the National Healthcare Safety Network, or its successor. Such hospitals shall permit the National Healthcare Safety Network, or its successor, to disclose facility-specific infection data to the department as required under this section, and as necessary to provide the public reports required by the department. It shall be a condition of licensure for any ambulatory surgical center or abortion facility which does not voluntarily participate in the National Healthcare Safety Network, or its successor, to submit facility-specific data to the department as required under this section, and as necessary to provide the public reports required by the department.

6. The department shall not require the resubmission of data which has been submitted to the department of health and senior services or the department of social services under any other provision of law. The department of health and senior services shall accept data submitted by associations or related organizations on behalf of health care providers by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to section 192.665 and this section. A health care provider shall submit the required information to the department of health and senior services:

(1) If the provider does not submit the required data through such associations or related organizations;

(2) If no binding agreement has been reached within ninety days of August 28, 1992, between the department of health and senior services and such associations or related organizations; or

(3) If a binding agreement has expired for more than ninety days.

7. Information obtained by the department under the provisions of section 192.665 and this section shall not be public information. Reports and studies prepared by the department based upon such information shall be public information and may identify individual health care providers. The department of health and senior services may authorize the use of the data by other research organizations pursuant to the provisions of section 192.067. The department shall not use or release any information provided under section 192.665 and this section which would enable any person to determine any health care provider's negotiated discounts with specific preferred provider organizations or other managed care organizations. The department shall not release data in a form which could be used to identify a patient. Any violation of this subsection is a class A misdemeanor.

8. The department shall undertake a reasonable number of studies and publish information, including at least an annual consumer guide, in collaboration with health care providers, business coalitions and consumers based upon the information obtained pursuant to the provisions of section 192.665 and this section. The department shall allow all health care providers and associations and related organizations who have submitted data which will be used in any publication to review and comment on the publication prior to its publication or release for general use. The publication shall be made available to the public for a reasonable charge.

9. Any health care provider which continually and substantially, as these terms are defined by rule, fails to comply with the provisions of this section shall not be allowed to participate in any program administered by the state or to receive any moneys from the state.

10. A hospital, as defined in section 197.020, aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.071. An ambulatory surgical center or abortion facility as defined in section 197.200 aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.221.

11. The department of health may promulgate rules providing for collection of data and publication of the incidence of health care-associated infections for other types of health facilities determined to be sources of infections; except that, physicians' offices shall be exempt from reporting and disclosure of such infections.

12. By January 1, 2017, the advisory panel shall recommend and the department shall adopt in regulation with an effective date of no later than January 1, 2018, the requirements for the reporting of the following types of infections as specified in this subsection:

(1) Infections associated with a minimum of four surgical procedures for hospitals and a minimum of two surgical procedures for ambulatory surgical centers that meet the following criteria:

(a) Are usually associated with an elective surgical procedure. An "elective surgical procedure" is a planned, nonemergency surgical procedure that may be either medically required such as a hip replacement or optional such as breast augmentation;

(b) Demonstrate a high priority aspect such as affecting a large number of patients, having a substantial impact for a smaller population, or being associated with substantial cost, morbidity, or mortality; or

(c) Are infections for which reports are collected by the National Healthcare Safety Network or its successor;

(2) Central line-related bloodstream infections;

(3) Health care-associated infections specified for reporting by hospitals, ambulatory surgical centers, and other health care facilities by the rules of the Centers for Medicare and Medicaid Services to the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(4) Other categories of infections that may be established by rule by the department.

The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection.

13. In consultation with the infection control advisory panel established pursuant to section 197.165, the department shall develop and disseminate to the public reports based on data compiled for a period of twelve months. Such reports shall be updated quarterly and shall show for each hospital, ambulatory surgical center, abortion facility, and other facility metrics on risk-adjusted health care-associated infections under this section.

14. The types of infections under subsection 12 of this section to be publicly reported shall be determined by the department by rule and shall be consistent with the infections tracked by the National Healthcare Safety Network, or its successor.

15. Reports published pursuant to subsection 13 of this section shall be published and readily accessible on the department's internet website. The reports shall be distributed at least annually to the governor and members of the general assembly. The department shall make such reports available to the public for a period of at least two years.

16. The Hospital Industry Data Institute shall publish a report of Missouri hospitals', ambulatory surgical centers', and abortion facilities' compliance with standardized quality of care measures established by the federal Centers for Medicare and Medicaid Services for prevention of infections related to surgical procedures. If the Hospital Industry Data Institute fails to do so by July 31, 2008, and annually thereafter, the department shall be authorized to collect information from the Centers for Medicare and Medicaid Services or from hospitals, ambulatory surgical centers, and abortion facilities and publish such information in accordance with this section.

17. The data collected or published pursuant to this section shall be available to the department for purposes of licensing hospitals, ambulatory surgical centers, and abortion facilities pursuant to chapter 197.

18. The department shall promulgate rules to implement the provisions of section 192.131 and sections 197.150 to 197.160. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

19. No later than August 28, 2017, each hospital, excluding mental health facilities as defined in section 632.005, and each ambulatory surgical center and abortion facility as defined in section 197.200, shall in consultation with its medical staff establish an antimicrobial stewardship program for evaluating the judicious use of antimicrobials, especially antibiotics that are the last line of defense against resistant infections. The hospital's stewardship program and the results of the program shall be monitored and evaluated by hospital quality improvement departments and shall be available upon inspection to the department. At a minimum, the antimicrobial stewardship program shall be designed to evaluate that hospitalized patients receive, in accordance with accepted medical standards of practice, the appropriate antimicrobial, at the appropriate dose, at the appropriate time, and for the appropriate duration.

20. Hospitals described in subsection 19 of this section shall meet the National Healthcare Safety Network requirements for reporting antimicrobial usage or resistance by using the Centers for Disease Control and Prevention's Antimicrobial Use and Resistance (AUR) Module when **[**regulations concerning Stage 3 of the Medicare and Medicaid Electronic Health Records Incentive Programs promulgated by the Centers for Medicare and Medicaid Services that enable the electronic interface for such reporting are effective**]** **conditions of participation promulgated by the Centers for Medicare and Medicaid Services requiring the electronic reporting of antibiotic use or antibiotic resistance by hospitals become effective**. When such antimicrobial usage or resistance reporting takes effect, hospitals shall authorize the National Healthcare Safety Network, or its successor, to disclose to the department facility-specific information reported to the AUR Module. Facility-specific data on antibiotic usage and resistance collected under this subsection shall not be disclosed to the public, but the department may release case-specific information to other facilities, physicians, and the public if the department determines on a case-by-case basis that the release of such information is necessary to protect persons in a public health emergency. **Nothing in this section shall prohibit a hospital from voluntarily reporting antibiotic use or antibiotic resistance data through the National Healthcare Safety Network, or its successor, prior to the effective date of the conditions of participation requiring the reporting.**

21. The department shall make a report to the general assembly beginning January 1, 2018, and on every January first thereafter on the incidence, type, and distribution of antimicrobial-resistant infections identified in the state and within regions of the state.

192.990. BOARD ESTABLISHED, PURPOSE — DEFINITIONS — MEMBERS, DUTIES — REPORT — DATA TO BE PROVIDED TO DEPARTMENT — CONFIDENTIALITY — USE OF GRANT FUNDS. — 1. There is hereby established within the department of health and senior services the "Pregnancy-Associated Mortality Review Board" to improve data collection and

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reporting with respect to maternal deaths. The department may collaborate with localities and with other states to meet the goals of the initiative.

2. For purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of health and senior services;

(2) "Maternal death", the death of a woman while pregnant or during the one-year period following the date of the end of pregnancy, regardless of the cause of death and regardless of whether a delivery, miscarriage, or death occurs inside or outside of a hospital.

3. The board shall be composed of no more than eighteen members, with a chair elected from among its membership. The board shall meet at least twice per year and shall approve the strategic priorities, funding allocations, work processes, and products of the board. Members of the board shall be appointed by the director of the department. Members shall serve four-year terms, except that the initial terms shall be staggered so that approximately one-third serve three, four, and five-year terms.

4. The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and maternal-fetal care, as well as state or local public health officials, epidemiologists, statisticians, community organizations, geographic regions, and other individuals or organizations that are most affected by maternal deaths and lack of access to maternal health care services.

5. The duties of the board shall include, but not be limited to:

(1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal deaths;

(2) Identifying factors associated with maternal deaths;

(3) Reviewing medical records and other relevant data, which shall include, to the extent available:

(a) A description of the maternal deaths determined by matching each death record of a maternal death to a birth certificate of an infant or fetal death record, as applicable, and an indication of whether the delivery, miscarriage, or death occurred inside or outside of a hospital;

(b) Data collected from medical examiner and coroner reports, as appropriate; and

(c) Using other appropriate methods or information to identify maternal deaths, including deaths from pregnancy outcomes not identified under paragraph (a) of this subdivision;

(4) Consulting with relevant experts, as needed;

(5) Analyzing cases to produce recommendations for reducing maternal mortality;

(6) Disseminating recommendations to policy makers, health care providers and facilities, and the general public;

(7) Recommending and promoting preventative strategies and making recommendations for systems changes;

(8) Protecting the confidentiality of the hospitals and individuals involved in any maternal deaths;

(9) Examining racial and social disparities in maternal deaths;

(10) Subject to appropriation, providing for voluntary and confidential case reporting of maternal deaths to the appropriate state health agency by family members of the deceased, and other appropriate individuals, for purposes of review by the board;

(11) Making publicly available the contact information of the board for use in such reporting;

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(12) Conducting outreach to local professional organizations, community organizations, and social services agencies regarding the availability of the review board; and

(13) Ensuring that data collected under this section is made available, as appropriate and practicable, for research purposes, in a manner that protects individually identifiable or potentially identifiable information and that is consistent with state and federal privacy laws.

6. The board may contract with other entities consistent with the duties of the board.

7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the Director of the Centers for Disease Control and Prevention, the director of the department, the governor, and the general assembly a report on maternal mortality in the state based on data collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and any other projects or efforts funded by the board. The data shall be collected using best practices to reliably determine and include all maternal deaths, regardless of the outcome of the pregnancy and shall include data, findings, and recommendations of the committee, and, as applicable, information on the implementation during such year of any recommendations submitted by the board in a previous year.

(2) The report shall be made available to the public on the department's website and the director shall disseminate the report to all health care providers and facilities that provide women's health services in the state.

8. The director of the department, or his or her designee, shall provide the board with the copy of the death certificate and any linked birth or fetal death certificate for any maternal death occurring within the state.

9. Upon request by the department, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus, other state agencies, and facilities licensed by the department shall provide to the department data related to maternal deaths from sources such as medical records, autopsy reports, medical examiner's reports, coroner's reports, law enforcement reports, motor vehicle records, social services records, and other sources as appropriate. Such data requests shall be limited to maternal deaths which have occurred within the previous twenty-four months. No entity shall be held liable for civil damages or be subject to any criminal or disciplinary action when complying in good faith with a request from the department for information under the provisions of this subsection.

10. (1) The board shall protect the privacy and confidentiality of all patients, decedents, providers, hospitals, or any other participants involved in any maternal deaths. In no case shall any individually identifiable health information be provided to the public or submitted to an information clearinghouse.

(2) Nothing in this subsection shall prohibit the board or department from publishing statistical compilations and research reports that:

(a) Are based on confidential information relating to mortality reviews under this section; and

(b) Do not contain identifying information or any other information that could be used to ultimately identify the individuals concerned.

(3) Information, records, reports, statements, notes, memoranda, or other data collected under this section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, notes, memoranda, data obtained by the department or any other person, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in

whole or in part, by any officer or representative of the department or any other person. No person participating in such review shall disclose, in any manner, the information so obtained except in strict conformity with such review project. Such information shall not be subject to disclosure under chapter 610.

(4) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the board, and other persons, agencies, or organizations so authorized by the department under this section shall be confidential.

(5) All proceedings and activities of the board, opinions of members of such board formed as a result of such proceedings and activities, and records obtained, created, or maintained under this section, including records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department or any other person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, shall be confidential and shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the board's proceedings.

(6) Members of the board shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the board; provided, however, that nothing in this section shall be construed to prevent a member of the board from testifying to information obtained independently of the board or which is public information.

11. The department may use grant program funds to support the efforts of the board and may apply for additional federal government and private foundation grants as needed. The department may also accept private, foundation, city, county, or federal moneys to implement the provisions of this section.

193.015. DEFINITIONS. — As used in sections 193.005 to 193.325, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Advanced practice registered nurse", a person licensed to practice as an advanced practice registered nurse under chapter 335, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;

(2) "Assistant physician", as such term is defined in section 334.036, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;

(3) "Dead body", a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred;

(4) "Department", the department of health and senior services;

(5) "Final disposition", the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus;

(6) "Institution", any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary care, or to which persons are committed by law;

(7) "Live birth", the complete expulsion or extraction from its mother of a child, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other

evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

(8) "Physician", a person authorized or licensed to practice medicine or osteopathy pursuant to chapter 334;

(9) "Physician assistant", a person licensed to practice as a physician assistant pursuant to chapter 334, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a **[**supervision agreement**]** **collaborative practice arrangement** under chapter 334;

(10) "Spontaneous fetal death", a noninduced death prior to the complete expulsion or extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;

(11) "State registrar", state registrar of vital statistics of the state of Missouri;

(12) "System of vital statistics", the registration, collection, preservation, amendment and certification of vital records; the collection of other reports required by sections 193.005 to 193.325 and section 194.060; and activities related thereto including the tabulation, analysis and publication of vital statistics;

(13) "Vital records", certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto;

(14) "Vital statistics", the data derived from certificates and reports of birth, death, spontaneous fetal death, marriage, dissolution of marriage and related reports.

195.060. CONTROLLED SUBSTANCES TO BE DISPENSED ON PRESCRIPTION ONLY, EXCEPTION. — 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same**, except for electronic prescriptions**. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:

(1) Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and

(2) Quantity limitations in subsection 4 of section 195.080 apply to prescriptions dispensed to patients located in this state.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. EXCEPTED SUBSTANCES — PRESCRIPTION OR DISPENSING LIMITATION ON AMOUNT OF SUPPLY, EXCEPTION — MAY BE INCREASED BY PHYSICIAN, PROCEDURE. — 1. Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient; provided, that the practitioner shall document in the patient's medical record the condition triggering the necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate to address the patient's condition. The provisions of this subsection shall not apply to prescriptions for opioid controlled substances for a patient who is currently undergoing treatment for cancer **or sickle cell disease**, is receiving hospice care from a hospice certified under chapter 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for substance abuse or opioid dependence.

3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of this section.

4. Unless otherwise provided in this section, the quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of this chapter and chapter 579. The supply limitations provided in this subsection may

be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States Armed Forces serving outside the United States.

5. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. LABELING REQUIREMENTS. — 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or **[**the supervising physician if the prescription is written by**]** a physician assistant, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.550. ELECTRONIC PRESCRIPTIONS REQUIRED, WHEN, EXCEPTIONS — VIOLATIONS. — 1. Notwithstanding any other provision of this section or any other law to the contrary, beginning January 1, 2021, no person shall issue any prescription in this state for any Schedule II, III, or IV controlled substance unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy, except for prescriptions:

(1) Issued by veterinarians;

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(2) Issued in circumstances where electronic prescribing is not available due to temporary technological or electrical failure;

(3) Issued by a practitioner to be dispensed by a pharmacy located outside the state;

(4) Issued when the prescriber and dispenser are the same entity;

(5) Issued that include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;

(6) Issued by a practitioner for a drug that the federal Food and Drug Administration requires the prescription to contain certain elements that are not able to be accomplished with electronic processing;

(7) Issued by a practitioner allowing for the dispensing of a nonpatient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a nonpatient specific prescription;

(8) Issued by a practitioner prescribing a drug under a research protocol;

(9) Issued by practitioners who have received an annual waiver, or a renewal thereof, from the requirement to use electronic prescribing, pursuant to a process established in regulation by the department of health and senior services, due to economic hardship, technological limitations, or other exceptional circumstances demonstrated by the practitioner;

(10) Issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition; or

(11) Issued where the patient specifically requests a written prescription.

2. A pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly falls under one of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with state and federal laws and regulations.

3. An individual who violates the provisions of this section may be subject to discipline by his or her professional licensing board.

195.820. MEDICAL CANNABIS, PROCESSING FEE AUTHORIZED, WHEN. — The department of health and senior services may establish through rule promulgation an administration and processing fee, exclusive of any application or license fee established under article XIV of the Missouri Constitution, if the funds in the Missouri veterans' health and care fund are insufficient to provide for the department's administration of the provisions of article XIV. Such fees shall be deposited in the Missouri veterans' health and care fund for use solely for the administration of the department's duties under article XIV. Such administration and processing fee shall not be increased more than once during a one-year period, but may be set to increase or decrease each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

196.100. WHEN DRUG OR DEVICE MISBRANDED. — 1. Any manufacturer, packer, distributor or seller of drugs or devices in this state shall comply with the current federal labeling requirements contained in the Federal Food, Drug and Cosmetic Act, as amended, and any federal regulations promulgated thereunder. Any drug or device which contains labeling that is not in compliance with the provisions of this section shall be deemed misbranded.

2. A drug dispensed on **an electronic prescription or** a written prescription signed by a licensed physician, dentist, or veterinarian, except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to a diagnosis by mail, shall be exempt from the requirements of this section if such physician, dentist, or veterinarian is licensed by law to administer such drug, and such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian.

3. The department is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of sections 196.010 to 196.120, drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of said sections upon removal from such processing, labeling, or repacking establishment.

197.108. FORMER EMPLOYEES NOT TO INSPECT OR SURVEY HOSPITAL — REQUIRED DISCLOSURES — CONFLICT OF INTEREST REPORTING. — 1. The department of health and senior services shall not assign an individual to inspect or survey a hospital, for any purpose, if the inspector or surveyor was an employee of such hospital or another hospital within its organization or a competing hospital within fifty miles of the hospital to be inspected or surveyed in the preceding two years.

2. For any inspection or survey of a hospital, regardless of the purpose, the department shall require every newly hired inspector or surveyor at the time of hiring or any currently employed inspector or surveyor as of August 28, 2019, to disclose:

(1) The name of every hospital in which he or she has been employed in the last ten years and the approximate length of service and the job title at the hospital; and

(2) The name of any member of his or her immediate family who has been employed in the last ten years or is currently employed at a hospital and the approximate length of service and the job title at the hospital.

The disclosures under this subsection shall be made to the department whenever the event giving rise to disclosure first occurs.

3. For purposes of this section, the phrase "immediate family member" shall mean a husband, wife, natural or adoptive parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

4. The information provided under subsection 2 of this section shall be considered a public record under the provisions of section 610.010.

5. Any person may notify the department if facts exist that would lead a reasonable person to conclude that any inspector or surveyor has any personal or business affiliation that would result in a conflict of interest in conducting an inspection or survey for a hospital. Upon receiving such notice, the department, when assigning an inspector or surveyor to inspect or survey a hospital, for any purpose, shall take steps to verify the information and,

if the department has reason to believe that such information is correct, the department shall not assign the inspector or surveyor to the hospital or any hospital within its organization so as to avoid an appearance of prejudice or favor to the hospital or bias on the part of the inspector or surveyor.

198.082. NURSING ASSISTANT TRAINING PROGRAMS — TRAINING INCOMPLETE, SPECIAL REQUIREMENTS AND SUPERVISION FOR ASSISTANT BEGINNING DUTIES. — 1. Each **certified** nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the **certified** nursing assistant's employment and which shall be completed within four months of employment. Training programs shall be offered at any facility licensed **[**or approved**]** by the department of health and senior services**; any skilled nursing or intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020. Training programs shall be [**which is most**]** reasonably accessible to the enrollees in each class. The program may be established by **[**the**] a** skilled nursing or intermediate care facility, **unit, or hospital;** by a professional organization**[**,**];** or by the department, and training shall be given by the personnel of the facility, **unit, or hospital;** by a professional organization**[**,**];** by the department**[**,**];** by any community college**;** or by the vocational education department of any high school.

2. As used in this section the term "**certified** nursing assistant" means an employee**[**,**] who has completed the training required under subsection 1 of this section, who has passed the certification exam, and [**including a nurse's aide or an orderly,**]** who is assigned by a skilled nursing or intermediate care facility**, unit, or hospital** to provide or assist in the provision of direct resident health care services under the supervision of a nurse licensed under the nursing practice law, chapter 335.

3. This section shall not apply to any person otherwise **regulated or** licensed to perform health care services under the laws of this state. It shall not apply to volunteers or to members of religious or fraternal orders which operate and administer the facility, if such volunteers or members work without compensation.

[3.**] 4.** The training program **[**after January 1, 1989, shall consist of at least the following:

(1) A training program consisting**] requirements shall be defined in regulation by the department and shall require [**of**]** at least seventy-five classroom hours of training **[**on basic nursing skills, clinical practice, resident safety and rights, the social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer's disease and related disorders,**]** and one hundred hours supervised and on-the-job training. **On-the-job training sites shall include supervised practical training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse.** The **[**one hundred hours**] training** shall be completed within four months of employment and may consist of normal employment as nurse assistants **or hospital nursing support staff** under the supervision of a licensed nurse**[**; and

(2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility**]**.

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[4.**]** **5. Certified** nursing assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a **certified** nursing assistant **[**only after completing an initial twelve hours of basic orientation approved by the department**]** and may provide direct resident care only if under the **[**general**]** **direct** supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

6. The competency evaluation shall be performed in a facility, as defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall function as a certified nursing assistant.

7. Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical standards for designation as a certified nursing assistant.

8. The department of health and senior services may offer additional training programs and certifications to students who are already certified as nursing assistants according to regulations promulgated by the department and curriculum approved by the board.

208.146. TICKET-TO-WORK HEALTH ASSURANCE PROGRAM — ELIGIBILITY — EXPIRATION DATE. — 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

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(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire August 28, **[**2019**]** **2025**.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process

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applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women

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and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) **[**Effective August 28, 2013,**]** Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, **or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age,** without regard to income or assets, if such persons:

(a) Are under twenty-six years of age;

(b) Are not eligible for coverage under another mandatory coverage group; and

(c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed,

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remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).

208.225. MEDICAID PER DIEM RATE RECALCULATION FOR NURSING HOMES, AMOUNT. — 1. To implement fully the provisions of section 208.152, the MO HealthNet division shall calculate the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a provider of nursing home services based on its costs reported in the Title XIX cost report filed with the MO HealthNet division for its fiscal year as provided in subsection 2 of this section.

2. The recalculation of Medicaid rates to all Missouri facilities will be performed as follows: effective July 1, 2004, the department of social services shall use the Medicaid cost report containing adjusted costs for the facility fiscal year ending in 2001 and redetermine the allowable per-patient day costs for each facility. The department shall recalculate the class ceilings in the

patient care, one hundred twenty percent of the median; ancillary, one hundred twenty percent of the median; and administration, one hundred ten percent of the median cost centers. Each facility shall receive as a rate increase one-third of the amount that is unpaid based on the recalculated cost determination.

3. Any intermediate care facility or skilled nursing facility, as such terms are defined in section 198.006, participating in MO HealthNet that incurs total capital expenditures, as such term is defined in section 197.305, in excess of two thousand dollars per bed shall be entitled to obtain from the MO HealthNet division a recalculation of its Medicaid per diem reimbursement rate based on its additional capital costs or all costs incurred during the facility fiscal year during which such capital expenditures were made. Such recalculated reimbursement rate shall become effective and payable when granted by the MO HealthNet division as of the date of application for a rate adjustment.

208.790. APPLICANTS REQUIRED TO HAVE FIXED PLACE OF RESIDENCE, RULES — ELIGIBILITY INCOME LIMITS SUBJECT TO APPROPRIATIONS, RULES. — 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard. **[**The provisions of this subsection shall only apply to Medicaid dual eligible individuals.**]**

4. The department shall promulgate rules outlining standards for documenting proof of household income.

208.896. STRUCTURED FAMILY CAREGIVING, DEPARTMENT TO APPLY FOR FEDERAL WAIVER — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. To ensure the availability of comprehensive and cost-effective choices for MO HealthNet participants who have been diagnosed with Alzheimer's or related disorders as defined in section 172.800, to live at home in the community of their choice and to receive support from the caregivers of their choice, the department of social services shall apply to the United States Secretary of Health and Human Services for a structured family caregiver waiver under Section 1915(c) of the federal Social Security Act. Federal approval of the waiver is necessary to implement the provisions of this section. Structured family caregiving shall be considered an agency-directed model, and no financial management services shall be required.

2. The structured family caregiver waiver shall include:

(1) A choice for participants of qualified and credentialed caregivers, including family caregivers;

(2) A choice for participants of community settings in which they receive structured family caregiving. A caregiver may provide structured family caregiving services in the caregiver's home or the participant's home, but the caregiver shall reside full time in the same home as the participant;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(3) A requirement that caregivers under this section are added to the family care safety registry and comply with the provisions of sections 210.900 to 210.936;

(4) A requirement that all caregivers shall obtain liability insurance as required;

(5) A cap of three hundred participants to receive structured family caregiving;

(6) A requirement that all organizations serving as structured family caregiving agencies are considered in-home service provider agencies and are accountable for documentation of services delivered, meeting the requirements set forth for these provider agencies, qualification and requalification of caregivers and homes, caregiver training, providing a case manager or registered nurse to create a service plan tailored to each participant's needs, professional staff support for eligible people, ongoing monitoring and support through monthly home visits, deployment of electronic daily notes, and remote consultation with families;

(7) Caregivers are accountable for providing for the participant's personal care needs. This includes, but is not limited to, laundry, housekeeping, shopping, transportation, and assistance with activities of daily living;

(8) A daily payment rate for services that is adequate to pay stipends to caregivers and pay provider agencies for the cost of providing professional staff support as required under this section and administrative functions required of in-home services provider agencies. The payment to the provider agency is not to exceed thirty-five percent of the daily reimbursement rate; and

(9) Daily payment rates for structured family caregiving services that do not exceed sixty percent of the daily nursing home cost cap established by the state each year.

3. (1) Within ninety days of the effective date of this section, the department of social services shall, if necessary to implement the provisions of this section, apply to the United States Secretary of Health and Human Services for a structured family caregiver waiver. The department of social services shall request an effective date before July 2, 2020, and shall, by such date, take all administrative actions necessary to ensure timely and equitable availability of structured family caregiving services for home- and community-based care participants.

(2) Upon receipt of an approved waiver under subdivision (1) of this subsection, the department of health and senior services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

208.930. CONSUMER-DIRECTED PERSONAL CARE ASSISTANCE SERVICES, REIMBURSEMENT FOR THROUGH ELIGIBLE VENDORS — ELIGIBILITY REQUIREMENTS — DOCUMENTATION — SERVICE PLAN REQUIRED — PREMIUMS, AMOUNT — ANNUAL REEVALUATION — DENIAL OF BENEFITS, PROCEDURE — EXPIRATION DATE. — 1. As used in this section, the term "department" shall mean the department of health and senior services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900

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through 208.927, to each person who was participating as a non-MO HealthNet eligible client pursuant to sections 178.661 through 178.673 on June 30, 2005, and who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the MO HealthNet plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, "access to affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state's current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the person seeking financial assistance and such person's spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section and such person's spouse must have an adjusted gross income, less disability-related medical expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level. The adjusted gross income shall be based on the most recent income tax return.

(3) No person seeking financial assistance for personal care services under this section and such person's spouse shall have assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the applicant's spouse, and consumers and the consumer's spouse, to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. In addition to the most recent income tax return, such documentation may include, but shall not be limited to:

(1) Current wage stubs for the applicant or consumer and the applicant's or consumer's spouse;

(2) A current W-2 form for the applicant or consumer and the applicant's or consumer's spouse;

(3) Statements from the applicant's or consumer's and the applicant's or consumer's spouse's employers;

(4) Wage matches with the division of employment security;

(5) Bank statements; and

(6) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the

total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within ten days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the ten-day period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the consumer and the consumer's spouse to provide documentation for income and disability-related medical expense verification for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective

only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, **[**2019**]** **2025**.

217.930. SUSPENSION OF MO HEALTHNET MEDICAL ASSISTANCE IN LIEU OF TERMINATION, WHEN. — 1. (1) Medical assistance under MO HealthNet shall be suspended, rather than canceled or terminated, for a person who is an offender in a correctional center if:

(a) The department of social services is notified of the person's entry into the correctional center;

(b) On the date of entry, the person was enrolled in the MO HealthNet program; and

(c) The person is eligible for MO HealthNet except for institutional status.

(2) A suspension under this subsection shall end on the date the person is no longer an offender in a correctional center.

(3) Upon release from incarceration, such person shall continue to be eligible for receipt of MO HealthNet benefits until such time as the person is otherwise determined to no longer be eligible for the program.

2. The department of corrections shall notify the department of social services:

(1) Within twenty days after receiving information that a person receiving benefits under MO HealthNet is or will be an offender in a correctional center; and

(2) Within forty-five days prior to the release of a person who is qualified for suspension under subsection 1 of this section.

221.111. DELIVERY OR CONCEALMENT ON PREMISES OF NARCOTICS, LIQUOR, OR PROHIBITED ARTICLES, PENALTIES — VISITATION DENIED, WHEN — PERSONAL ITEMS PERMITTED TO BE POSTED. — 1. A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term "correctional center" is defined under section 217.010, or any city, county, or private jail:

(1) Any controlled substance as that term is defined by law, except upon the written **or electronic** prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating liquor is defined in section 311.020;

(3) Any article or item of personal property which a prisoner is prohibited by law, by rule made pursuant to section 221.060, or by regulation of the department of corrections from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony; the violation of subdivision (2) of this section shall be a class E felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county or city jail or other correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

221.125. SUSPENSION OF MO HEALTHNET MEDICAL ASSISTANCE IN LIEU OF TERMINATION, WHEN. — 1. (1) Medical assistance under MO HealthNet shall be suspended, rather than canceled or terminated, for a person who is an offender in a county jail, a city jail, or a private jail if:

(a) The department of social services is notified of the person's entry into the jail;

(b) On the date of entry, the person was enrolled in the MO HealthNet program; and

(c) The person is eligible for MO HealthNet except for institutional status.

(2) A suspension under this subsection shall end on the date the person is no longer an offender in a jail.

(3) Upon release from incarceration, such person shall continue to be eligible for receipt of MO HealthNet benefits until such time as the person is otherwise determined to no longer be eligible for the program.

2. City, county, and private jails shall notify the department of social services within ten days after receiving information that a person receiving medical assistance under MO HealthNet is or will be an offender in the jail.

332.361. DENTIST MAY PRESCRIBE, POSSESS AND ADMINISTER DRUGS. — 1. **For purposes of this section, the following terms shall mean:**

(1) "Acute pain", shall have the same meaning as in section 195.010;

(2) "Long-acting or extended-release opioids", formulated in such a manner as to make the contained medicament available over an extended period of time following ingestion.

2. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

[2.**]** **3.** Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined in section 195.010 only to the extent that:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

4. Long-acting or extended-release opioids shall not be used for the treatment of acute pain. If in the professional judgement of the dentist, a long-acting or extended-release opioid is necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the long-acting or extended-release opioid.

5. Dentists shall avoid prescribing doses greater than fifty morphine milligram equivalent (MME) per day for treatment of acute pain. If in the professional judgement of the dentist, doses greater than fifty MME are necessary to treat the patient, the dentist shall document and explain in the patient's dental record the reason for the necessity for the dose greater than fifty MME. The relative potency of opioids is represented by a value assigned to individual opioids known as a morphine milligram equivalent (MME). The MME value represents how many milligrams of a particular opioid is equivalent to one milligram of morphine. The Missouri dental board shall maintain a MME conversion chart and instructions for calculating MME on its website to assist licensees with calculating MME.

334.037. ASSISTANT PHYSICIANS, COLLABORATIVE PRACTICE ARRANGEMENTS, REQUIREMENTS — RULEMAKING AUTHORITY — IDENTIFICATION BADGES REQUIRED, WHEN — PRESCRIPTIVE AUTHORITY. — 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by Pub. L. 95-210 (42 U.S.C. Section 1395x), as amended, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **[**or supervising physician**]** shall not enter into a collaborative practice arrangement **[**or supervision agreement**]** with more than six full-time equivalent assistant physicians, full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols

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or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, or assistant physicians providing opioid addiction treatment.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

13. Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

— 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section

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1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action

imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **[**or supervising physician**]** shall not enter into a collaborative practice arrangement **[**or supervision agreement**]** with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020

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if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.108. TELEMEDICINE OR INTERNET PRESCRIPTIONS AND TREATMENT, ESTABLISHMENT OF PHYSICIAN-PATIENT RELATIONSHIP REQUIRED. — 1. Prior to prescribing any drug, controlled substance, or other treatment through telemedicine, as defined in section 191.1145, or the internet, a physician shall establish a valid physician-patient relationship as described in section 191.1146. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Maintaining the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Home health services provided by a home health agency as defined in section 197.400;

(4) Accordance with a collaborative practice agreement as defined in section 334.104;

(5) Conjunction with a physician assistant licensed pursuant to section 334.738;

(6) Conjunction with an assistant physician licensed under section 334.036;

(7) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(8) On-call or cross-coverage situations.

3. No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation over the telephone; except that, a physician**[**,**]** **or** such physician's on-call designee, **or** an advanced practice registered nurse**, a physician assistant, or an assistant physician** in a collaborative practice arrangement with such physician, **[**a physician assistant in a supervision agreement with such physician, or an assistant physician in a supervision agreement with such physician**]** may prescribe any drug, controlled

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substance, or other treatment that is within his or her scope of practice to a patient based solely on a telephone evaluation if a previously established and ongoing physician-patient relationship exists between such physician and the patient being treated.

4. No health care provider shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an internet request or an internet questionnaire.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) **"Collaborative practice arrangement", written agreements, jointly agreed upon protocols, or standing orders, all of which shall be in writing, for the delivery of health care services;**

(5) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;

[(5)**]** **(6)** "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

[(6)**]** **(7)** "Physician assistant", a person who has graduated from a physician assistant program accredited by the **[**American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency**]** **Accreditation Review Commission on Education for the Physician Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs**, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

[(7)**]** **(8)** "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

[(8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one

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calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, within a geographic proximity to be determined by the board of registration for the healing arts.

(2) For a physician-physician assistant team working in a certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3.**]** **2.** The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a **[**licensed**]** **collaborating** physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery; **and**

(9) Performing such other tasks not prohibited by law under the **[**supervision of**]** **collaborative practice arrangement with** a licensed physician as the physician**[**'s**]** assistant has been trained and is proficient to perform**[**; and

(10)**]**.

3. Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a **[**physician supervision agreement**]** **collaborative practice arrangement** in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a **[**physician assistant supervision agreement**]** **collaborative practice arrangement** which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

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(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the **[**supervising**]** **collaborating** physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the **[**supervising**]** **collaborating** physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician **[**supervision**]** **collaboration** or in any location where the **[**supervising**]** **collaborating** physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with **a third party plan or** the department of social services as a MO HealthNet or Medicaid provider while acting under a **[**supervision agreement**]** **collaborative practice arrangement** between the physician and physician assistant.

6. **[**For purposes of this section, the**]** **The** licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, **[**supervision, supervision agreements**]** **collaboration, collaborative practice arrangements**, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. **[**"Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9.**]** At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

[10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11.**] 8. A physician may enter into collaborative practice arrangements with physician assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant the authority to prescribe, administer, or dispense drugs and provide treatment which is within the skill, training, and competence of the physician assistant. Collaborative practice arrangements may delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health care services.**

9. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the physician assistant;

(2) A list of all other offices or locations, other than those listed in subdivision (1) of this subsection, where the collaborating physician has authorized the physician assistant to prescribe;

(3) A requirement that there shall be posted at every office where the physician assistant is authorized to prescribe, in collaboration with a physician, a prominently displayed

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disclosure statement informing patients that they may be seen by a physician assistant and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the physician assistant;

(5) The manner of collaboration between the collaborating physician and the physician assistant, including how the collaborating physician and the physician assistant will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, as determined by the board of registration for the healing arts; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency of the collaborating physician;

(6) A list of all other written collaborative practice arrangements of the collaborating physician and the physician assistant;

(7) The duration of the written practice arrangement between the collaborating physician and the physician assistant;

(8) A description of the time and manner of the collaborating physician's review of the physician assistant's delivery of health care services. The description shall include provisions that the physician assistant shall submit a minimum of ten percent of the charts documenting the physician assistant's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. Reviews may be conducted electronically;

(9) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the physician assistant prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of this subsection; and

(10) A statement that no collaboration requirements in addition to the federal law shall be required for a physician-physician assistant team working in a certified community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended.

10. The state board of registration for the healing arts under section 334.125 may promulgate rules regulating the use of collaborative practice arrangements.

11. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a physician assistant, provided that the provisions of this section and the rules promulgated thereunder are satisfied.

12. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each physician assistant with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that the arrangements are carried out in compliance with this chapter.

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13. The collaborating physician shall determine and document the completion of a period of time during which the physician assistant shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.

14. No contract or other **[**agreement**]** **arrangement** shall require a physician to act as a **[**supervising**]** **collaborating** physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the **[**supervising**]** **collaborating** physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant**[**, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff**]**. **No contract or other arrangement shall require any physician assistant to collaborate with any physician against the physician assistant's will. A physician assistant shall have the right to refuse to collaborate, without penalty, with a particular physician.**

[12.**]** **15.** Physician assistants shall file with the board a copy of their **[**supervising**]** **collaborating** physician form.

[13.**]** **16.** No physician shall be designated to serve as **[**supervising physician or**]** **a** collaborating physician for more than six full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to physician assistant **[**agreements**]** **collaborative practice arrangements** of hospital employees providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

17. No arrangement made under this section shall supercede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

334.736. PHYSICIAN ASSISTANTS, TEMPORARY LICENSE, REQUIREMENTS, FEES, RENEWAL. — Notwithstanding any other provision of sections 334.735 to 334.749, the board may issue without examination a temporary license to practice as a physician assistant. Upon the applicant paying a temporary license fee and the submission of all necessary documents as determined by the board, the board may grant a temporary license to any person who meets the qualifications provided in **[**section**]** **sections** 334.735 **to 334.749** which shall be valid until the results of the next examination are announced. The temporary license may be renewed at the discretion of the board and upon payment of the temporary license fee.

334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — SUPERVISING PHYSICIANS — CERTIFICATION. — 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a **[**supervision agreement**]**

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collaborative practice arrangement. Such authority shall be listed on the **[**supervision verification**]** **collaborating physician** form on file with the state board of healing arts. The **[**supervising**]** **collaborating** physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the **[**supervision**]** **collaborating physician** form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a **[**supervision agreement**]** **collaborative practice arrangement** are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the **[**supervising**]** **collaborating** physician. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The **[**supervising**]** **collaborating** physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the **[**supervising**]** **collaborating** physician on-site prior to prescribing controlled substances when the **[**supervising**]** **collaborating** physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the **[**supervising**]** **collaborating** physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a **[**supervising**]** **collaborating** physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

334.749. ADVISORY COMMISSION FOR PHYSICIAN ASSISTANTS, ESTABLISHED, RESPONSIBILITIES — APPOINTMENTS TO COMMISSION, MEMBERS — COMPENSATION —

ANNUAL MEETING, ELECTIONS. — 1. There is hereby established an "Advisory Commission for Physician Assistants" which shall guide, advise and make recommendations to the board. The commission shall also be responsible for the ongoing examination of the scope of practice and promoting the continuing role of physician assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

2. The commission shall be appointed no later than October 1, 1996, and shall consist of five members, one member of the board, two licensed physician assistants, one physician and one lay member. The two licensed physician assistant members, the physician member and the lay member shall be appointed by the director of the division of professional registration. Each licensed physician assistant member shall be a citizen of the United States and a resident of this state, and shall be licensed as a physician assistant by this state. The physician member shall be a United States citizen, a resident of this state, have an active Missouri license to practice medicine in this state and shall be a **[**supervising**]** **collaborating** physician, at the time of appointment, to a licensed physician assistant. The lay member shall be a United States citizen and a resident of this state. The licensed physician assistant members shall be appointed to serve three-year terms, except that the first commission appointed shall consist of one member whose term shall be for one year and one member whose term shall be for two years. The physician member and lay member shall each be appointed to serve a three-year term. No physician assistant member nor the physician member shall be appointed for more than two consecutive three-year terms. The president of the Missouri Academy of Physicians Assistants in office at the time shall, at least ninety days prior to the expiration of a term of a physician assistant member of a commission member or as soon as feasible after such a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five physician assistants qualified and willing to fill the vacancy in question, with the request and recommendation that the director appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Academy of Physicians Assistants shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the state board of registration for the healing arts.

4. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. On August 28, 1998, all members of the advisory commission for registered physician assistants shall become members of the advisory commission for physician assistants and their successor shall be appointed in the same manner and at the time their terms would have expired as members of the advisory commission for registered physician assistants.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN)

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providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

[5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**]**

337.712. LICENSES, APPLICATION, OATH, FEE — LOST CERTIFICATES — FUND. — 1. Applications for licensure as a marital and family therapist shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for licensure, or to pay the licensure fee after such notice shall result in the expiration of the license. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the

provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year.

338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — REPORT — SHOWMEVAX SYSTEM, NOTICE. — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; **the prescribing and dispensing of any nicotine replacement therapy product under section 338.665;** and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he **or she** is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from

the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a **[**supervision agreement**]** **collaborative practice arrangement** under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary

Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

(1) The identity of the patient;

(2) The identity of the vaccine or vaccines administered;

(3) The route of administration;

(4) The anatomic site of the administration;

(5) The dose administered; and

(6) The date of administration.

338.015. PATIENT'S FREEDOM OF CHOICE TO OBTAIN PRESCRIPTION SERVICES, WAIVER — CONSULTATION AND ADVICE. — 1. The provisions of sections 338.010 to 338.015 shall not be construed to inhibit the patient's freedom of choice to obtain prescription services from any licensed pharmacist. However, nothing in sections 338.010 to 338.315 abrogates the patient's ability to waive freedom of choice under any contract with regard to payment or coverage of prescription expense.

2. All pharmacists may provide pharmaceutical consultation and advice to persons concerning the safe and therapeutic use of their prescription drugs.

3. All patients shall have the right to receive a written prescription from their prescriber to take to the facility of their choice **or to have an electronic prescription transmitted to the facility of their choice**.

338.055. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, GROUNDS FOR — EXPEDITED PROCEDURE — ADDITIONAL DISCIPLINE AUTHORIZED, WHEN. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

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2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written**, electronic,** or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however,

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that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The board may impose additional discipline on a licensee, registrant, or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant, or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate, or permit.

4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no request by the licensee or registrant for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the licensee or registrant named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.056. GENERIC SUBSTITUTIONS MAY BE MADE, WHEN, REQUIREMENTS — VIOLATIONS, PENALTY. — 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage

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form, and of the same generic drug or interchangeable biological product type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug or interchangeable biological product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug or biological product as would be incurred in filling a prescription for a drug or interchangeable biological product prescribed by generic or interchangeable biologic name. The pharmacist shall not select a drug or interchangeable biological product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug or biological product may select a less expensive generically equivalent or interchangeable biological product unless:

(1) The patient requests a brand name drug or biological product; or

(2) The prescribing practitioner indicates that substitution is prohibited or displays "brand medically necessary", "dispense as written", "do not substitute", "DAW", or words of similar import on the prescription.

3. No prescription shall be valid without the signature of the prescriber**, except an electronic prescription**.

4. If an oral prescription is involved, the practitioner or the practitioner's agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

5. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug or interchangeable biological product when substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

6. Violations of this section are infractions.

338.140. BOARD OF PHARMACY, POWERS, DUTIES — ADVISORY COMMITTEE, APPOINTMENT, DUTIES — LETTERS OF REPRIMAND, CENSURE OR WARNING. — 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors, drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. **Alternatively, at the discretion of the board, the board may enter into a voluntary compliance agreement with a licensee, permit holder, or registrant to ensure or promote compliance with this chapter and the rules of the board, in lieu of board discipline. The agreement shall be a public record. The time limitation identified in section 324.043 for commencing a disciplinary proceeding shall be tolled while an agreement authorized by this section is in effect.**

338.143. TECHNOLOGY ASSISTED VERIFICATION OR REMOTE MEDICATION DISPENSING, PILOT OR DEMONSTRATION RESEARCH PROJECT AUTHORIZED — DEFINITIONS — REQUIREMENTS — EXPIRATION DATE — REPORT. — 1. For purposes of this section, the following terms shall mean:

(1) "Remote medication dispensing", dispensing or assisting in the dispensing of medication outside of a licensed pharmacy;

(2) "Technology assisted verification", the verification of medication or prescription information using a combination of scanning technology and visual confirmation by a pharmacist.

2. The board of pharmacy may approve, modify, and establish requirements for pharmacy pilot or demonstration research projects related to technology assisted verification or remote medication dispensing that are designed to enhance patient care or safety, improve patient outcomes, or expand access to pharmacy services.

3. To be approved, pilot or research projects shall be within the scope of the practice of pharmacy as defined by chapter 338, be under the supervision of a Missouri licensed pharmacist, and comply with applicable compliance and reporting as established by the board by rule, including any staff training or education requirements. Board approval shall be limited to a period of up to eighteen months, provided the board grant an additional six month extension if deemed necessary or appropriate to gather or complete research data or if deemed in the best interests of the patient. The board may rescind approval of a pilot project at any time if deemed necessary or appropriate in the interest of patient safety.

4. The provisions of this subsection shall expire on August 28, 2023. The board shall provide a final report on approved projects and related data or findings to the general assembly on or before December 31, 2022. The name, location, approval dates, general description of and responsible pharmacist for an approved pilot or research project shall be deemed an open record.

338.665. NICOTINE REPLACEMENT THERAPY PRODUCT, DEFINED — PRESCRIBING AND DISPENSING, RULEMAKING AUTHORITY. — 1. For the purposes of this chapter, "nicotine replacement therapy product" means any drug or product, regardless of whether it is available over-the-counter, that delivers small doses of nicotine to a person and that is approved by the federal Food and Drug Administration for the sole purpose of aiding in tobacco cessation or smoking cessation.

2. The board of pharmacy and the board of healing arts shall jointly promulgate rules governing a pharmacist's authority to prescribe and dispense nicotine replacement therapy products. Neither board shall separately promulgate rules governing a pharmacist's

authority to prescribe and dispense nicotine replacement therapy products under this subsection.

3. Nothing in this section shall be construed to require third party payment for services described in this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

374.500. DEFINITIONS. — As used in sections 374.500 to 374.515, the following terms mean:

(1) "Certificate", a certificate of registration granted by the department of insurance, financial institutions and professional registration to a utilization review agent;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Enrollee", an individual who has contracted for or who participates in coverage under a health insurance policy, an employee welfare benefit plan, a health services corporation plan or any other benefit program providing payment, reimbursement or indemnification for health care costs for himself or eligible dependents or both himself and eligible dependents. The term "enrollee" shall not include an individual who has health care coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(4) "Provider of record", the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment and services rendered to an enrollee;

(5) "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, **[**prospective**]** **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(6) "Utilization review agent", any person or entity performing utilization review, except:

(a) An agency of the federal government;

(b) An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government; or

(c) Any individual person employed or used by a utilization review agent for the purpose of performing utilization review services, including, but not limited to, individual nurses and physicians, unless such individuals are providing utilization review services to the applicable benefit plan, pursuant to a direct contractual relationship with the benefit plan;

(d) An employee health benefit plan that is self-insured and qualified pursuant to the federal Employee Retirement Income Security Act of 1974, as amended;

(e) A property-casualty insurer or an employee or agent working on behalf of a property-casualty insurer;

(f) A health carrier, as defined in section 376.1350, that is performing a review of its own health plan;

(7) "Utilization review plan", a summary of the utilization review procedures of a utilization review agent.

376.690. UNANTICIPATED OUT-OF-NETWORK CARE, CLAIM PROCEDURE — LIMITATION ON AMOUNT BILLED TO PATIENT — EXTERNAL ARBITRATION PROCESS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Emergency medical condition", the same meaning given to such term in section 376.1350;

(2) "Facility", the same meaning given to such term in section 376.1350;

(3) "Health care professional", the same meaning given to such term in section 376.1350;

(4) "Health carrier", the same meaning given to such term in section 376.1350;

(5) "Unanticipated out-of-network care", health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.

2. (1) Health care professionals **[**may**]** **shall** send any claim for charges incurred for unanticipated out-of-network care to the patient's health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

(1) The health care professional's training, education, or experience;

(2) The nature of the service provided;

(3) The health care professional's usual charge for comparable services provided;

(4) The circumstances and complexity of the particular case, including the time and place the services were provided; and

(5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. **[**This section shall take effect on January 1, 2019.

10.**]** The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if

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applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

376.1040. PLAN NOT TO BE OFFERED TO GENERAL PUBLIC — MARKETING RESTRICTIONS. — 1. No multiple employer self-insured health plan shall be offered or advertised to the public **[**generally**]**. No plan shall be sold, solicited, or marketed by persons or entities defined in section 375.012 or sections 376.1075 to 376.1095. **Multiple employer self-insured health plans with a certificate of authority approved by the director under section 376.1002 shall be exempt from the restrictions set forth in this section.**

2. A health carrier acting as an administrator for a multiple employer self insured health plan shall permit any willing licensed broker to quote, sell, solicit, or market such plan to the extent permitted by this section; provided that such broker is appointed and in good standing with the health carrier and completes all required training.

376.1042. MARKETING BY AGENT, AGENCY OR BROKER VIOLATION OF LAW. — The sale, solicitation or marketing of any plan **in violation of section 376.1040** by an agent, agency or broker shall constitute a violation of section 375.141.

376.1224. DEFINITIONS — INSURANCE COVERAGE REQUIRED — LIMITATIONS ON COVERAGE — MAXIMUM BENEFIT AMOUNT, ADJUSTMENTS — REIMBURSEMENTS, HOW MADE — APPLICABILITY TO PLANS — WAIVER, WHEN — REPORT. — 1. For purposes of this section, the following terms shall mean:

(1) "Applied behavior analysis", the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) "Autism service provider":

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) "Autism spectrum disorders", a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger's Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett's Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) **"Developmental or physical disability", a severe chronic disability that:**

(a) Is attributable to cerebral palsy, epilepsy, or any other condition other than mental illness or autism spectrum disorder which results in impairment of general intellectual functioning or adaptive behavior and requires treatment or services;

(b) Manifests before the individual reaches age nineteen;

(c) Is likely to continue indefinitely; and

(d) Results in substantial functional limitations in three or more of the following areas of major life activities:

a. Self-care;

b. Understanding and use of language;

c. Learning;

d. Mobility;

e. Self-direction; or

f. Capacity for independent living;

(5) "Diagnosis **[**of autism spectrum disorders**]**", medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder **or a developmental or physical disability**;

[(5)**]** **(6)** "Habilitative or rehabilitative care", professional, counseling, and guidance services and treatment programs, including applied behavior analysis **for those diagnosed with autism spectrum disorder**, that are necessary to develop the functioning of an individual;

[(6)**]** **(7)** "Health benefit plan", shall have the same meaning ascribed to it as in section 376.1350;

[(7)**]** **(8)** "Health carrier", shall have the same meaning ascribed to it as in section 376.1350;

[(8)**]** **(9)** "Line therapist", an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;

[(9)**]** **(10)** "Pharmacy care", medications used to address symptoms of an autism spectrum disorder **or a developmental or physical disability** prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured's health benefit plan;

[(10)**]** **(11)** "Psychiatric care", direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;

[(11)**]** **(12)** "Psychological care", direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;

[(12)**]** **(13)** "Therapeutic care", services provided by licensed speech therapists, occupational therapists, or physical therapists;

[(13)**]** **(14)** "Treatment **[**for autism spectrum disorders**]**", care prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist**, or for an individual diagnosed with a developmental or physical disability by a licensed physician or licensed psychologist**, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, including, but not limited to:

(a) Psychiatric care;

(b) Psychological care;

(c) Habilitative or rehabilitative care, including applied behavior analysis therapy **for those diagnosed with autism spectrum disorder**;

(d) Therapeutic care;

(e) Pharmacy care.

2. **Except as otherwise provided in subsection 12 of this section,** all **[**group**]** health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, **[**2011**]** **2020**, if written inside the state of Missouri, or written outside the state of Missouri but insuring

Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders **and for the diagnosis and treatment of developmental or physical disabilities** to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder **or developmental or physical disabilities**.

4. (1) Coverage provided under this section **for autism spectrum disorder or developmental or physical disabilities** is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder **or developmental or physical disability**, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual **[**being treated for an autism spectrum disorder**]** **receiving applied behavior analysis** and shall not apply to all individuals **[**being treated for autism spectrum disorders by a**]** **receiving applied behavior analysis from that autism service provider,** physician**,** or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. **(1)** Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior analysis, shall not be subject to the age and dollar limitations described in this subsection.

[6.**]** **(2)** The maximum benefit limitation for applied behavior analysis described in **[**subsection 5**]** **subdivision (1)** of this **[**section**]** **subsection** shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

[7.**]** **(3)** Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided **for autism spectrum disorders** under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider, except that the maximum total benefit for applied behavior analysis set forth in **subdivision (1) of this** subsection **[**5 of this section**]** shall apply to this **[**subsection**]** **subdivision**.

6. Coverage for therapeutic care provided under this section for developmental or physical disabilities may be limited to a number of visits per calendar year, provided that upon prior approval by the health benefit plan, coverage shall be provided beyond the maximum calendar limit if such therapeutic care is medically necessary as determined by the health care plan.

[8.**]** **7.** This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

[9.**]** **8.** To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

[10.**]** **9.** Notwithstanding any other provision of law to the contrary, health carriers shall not be held liable for the actions of line therapists in the performance of their duties.

[11.**]** **10.** The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, **[**2011**]** **2020**. The terms "employees" and "health care plans" shall have the same meaning ascribed to them in section 103.003.

[12.**]** **11.** The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, **[**2011**]** **2020**:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

[13. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

14.**]** **12.** The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy. **The provisions of this section requiring coverage for autism spectrum disorders shall not apply to an individually underwritten health benefit plan issued prior to January 1, 2011. The provisions of this section requiring coverage for a developmental or physical disability shall not apply to a health benefit plan issued prior to January 1, 2014.**

[15.**]** **13.** Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

[16.**]** **14.** The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

[17. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

18.**]** **15.** The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

[19. (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

(a) The total number of insureds diagnosed with autism spectrum disorder;

(b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;

(c) The cost of such coverage per insured per month; and

(d) The average cost per insured for coverage of applied behavior analysis;

(2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.**]**

376.1345. METHOD OF REIMBURSEMENT NOT TO REQUIRE FEE, DISCOUNT, OR RENUMERATION — NOTIFICATION REQUIREMENTS — ELECTRONIC FUNDS TRANSFER, WHEN — VIOLATION, PENALTY. — 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.

2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.

3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:

(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and

(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.

4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.

5. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.

376.1350. DEFINITIONS. — For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) "Adverse determination", a determination by a health carrier or **[**its designee**]** **a** utilization review **[**organization**]** **entity** that an admission, availability of care, continued stay or other health care service **furnished or proposed to be furnished to an enrollee** has been reviewed and, based upon the information provided, does not meet the **utilization review entity or** health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, **or are experimental or investigational,** and the payment for the requested service is therefore denied, reduced or terminated;

(2) "Ambulatory review", utilization review of health care services performed or provided in an outpatient setting;

(3) "Case management", a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) "Certification", a determination by a health carrier or **[**its designee**]** **a** utilization review **[**organization**]** **entity** that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness**, and that payment will be made for that health care service provided the patient is an enrollee of the health benefit plan at the time the service is provided**;

(5) "Clinical peer", a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) "Clinical review criteria", the **written policies,** written screening procedures, **drug formularies or lists of covered drugs, determination rules,** decision abstracts, clinical protocols **[**and**], medical protocols,** practice guidelines**, and any other criteria or rationale** used by the

health carrier **or utilization review entity** to determine the necessity and appropriateness of health care services;

(7) "Concurrent review", utilization review conducted during a patient's hospital stay or course of treatment;

(8) "Covered benefit" or "benefit", a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) "Director", the director of the department of insurance, financial institutions and professional registration;

(10) "Discharge planning", the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) "Drug", any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, regardless of the final diagnosis that is given, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) "Emergency service", a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(14) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) "FDA", the federal Food and Drug Administration;

(16) "Facility", an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

(17) "Grievance", a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) "Health benefit plan", a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to

liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(19) "Health care professional", a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) "Health care provider" or "provider", a health care professional or a facility;

(21) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease**, including but not limited to the provision of drugs or durable medical equipment**;

(22) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) "Health indemnity plan", a health benefit plan that is not a managed care plan;

(24) "Managed care plan", a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) "Participating provider", a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) "Peer-reviewed medical literature", a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act **(42 U.S.C. 1395x)**, as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) "Person", an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) **"Prior authorization", a certification made pursuant to a prior authorization review, or notice as required by a health carrier or utilization review entity prior to the provision of health care services;**

(29) "**[**Prospective review**]** **Prior authorization review**", utilization review conducted prior to an admission or a course of treatment**, including but not limited to pre-admission review, pre-treatment review, utilization review, and case management**;

[(29)**]** **(30)** "Retrospective review", utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

[(30)**]** **(31)** "Second opinion", an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

[(31)**]** **(32)** "Stabilize", with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

[(32)**]** **(33)** "Standard reference compendia":

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

[(33)**]** **(34)** "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, **[**prospective**]** **prior authorization** review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

[(34)**]** **(35)** "Utilization review **[**organization**]** **entity**", a utilization review agent as defined in section 374.500**, or an individual or entity that performs prior authorization reviews for a health carrier or health care provider. A health carrier or health care provider is a utilization review entity if it performs prior authorization review**.

376.1356. UTILIZATION REVIEW ORGANIZATION MONITORED, WHEN. — Whenever a health carrier contracts to have a utilization review **[**organization or other**]** entity perform the utilization review functions required by sections 376.1350 to 376.1390 or applicable rules and regulations, the health carrier shall be responsible for monitoring the activities of the utilization review **[**organization or**]** entity with which the health carrier contracts and for ensuring that the requirements of sections 376.1350 to 376.1390 and applicable rules and regulations are met.

376.1363. UTILIZATION REVIEW DECISIONS, PROCEDURES. — 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, "enrollee" includes the representative of an enrollee.

2. For **[**initial**]** determinations, a health carrier shall make the determination within thirty-six hours, which shall include one working day, of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the **[**initial**]** certification, and provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within two working days of making the **[**initial**]** certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone or electronically the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after telephone or electronic notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone or electronically the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider within one working day of a telephone or electronic notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier's determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, **including the clinical rationale, and** the instructions for initiating an appeal or reconsideration of the determination**[**, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination**]**. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, to **the health care provider and to** any party who received notice of the adverse determination **[**and who requests such information**]**.

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. **These procedures shall be made available to health care providers on the health carrier's website or provider portal.** In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

7. Provided the patient is an enrollee of the health benefit plan, no utilization review entity shall revoke, limit, condition, or otherwise restrict a prior authorization within forty-five working days of the date the health care provider receives the prior authorization.

8. Provided the patient is an enrollee of the health benefit plan at the time the service is provided, no health carrier, utilization review entity, or health care provider shall bill an enrollee for any health care service for which a prior authorization was in effect at the time the health care service was provided, except as consistent with cost-sharing requirements applicable to a covered benefit under the enrollee's health benefit plan. Such cost-sharing shall be subject to and applied toward any in-network deductible or out-of-pocket maximum applicable to the enrollee's health benefit plan.

376.1364. UNIQUE CONFIRMATION NUMBER REQUIRED, PRIOR AUTHORIZATION REVIEW — SECURE ELECTRONIC TRANSMISSION FOR PRIOR AUTHORIZATIONS — SINGLE COVER PAGE, CONTENTS. — 1. Any utilization review entity performing prior authorization review shall provide a unique confirmation number to a provider upon receipt from that provider of a request for prior authorization. Except as otherwise requested by the provider in writing, unique confirmation numbers shall be transmitted or otherwise communicated through the same medium through which the requests for prior authorization were made.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of drug benefits through a secure electronic transmission using the National Council for Prescription Drugs SCRIPT Standard Version 2017071 or a backwards-compatible successor adopted by the United States Department of Health and Human Services. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.

3. No later than January 1, 2021, utilization review entities shall accept and respond to requests for prior authorization of health care services and mental health services electronically. For purposes of this subsection, facsimile, proprietary payer portals, and electronic forms shall not be considered electronic transmission.

4. No later than January 1, 2021, each health carrier utilizing prior authorization review shall develop a single secure electronic prior authorization cover page for all of its health benefit plans utilizing prior authorization review, which the carrier or its utilization review entity shall use to accept and respond to, and which providers shall use to submit, requests for prior authorization. Such cover page shall include, but not be limited to, fields for patient or enrollee information, referring or requesting provider information, rendering or attending provider information, and required clinical information, and shall be supplemented by additional clinical information as required by the health carrier or utilization review entity.

376.1372. CERTIFICATION AND MEMBER HANDBOOK TO INCLUDE UTILIZATION REVIEW PROCEDURES. — 1. In the certificate of coverage and the member handbook provided to enrollees, a health carrier shall include a clear and comprehensive description of its utilization review procedures, including the procedures for obtaining review of adverse determinations, and a statement of rights and responsibilities of enrollees with respect to those procedures.

2. A health carrier shall include a summary of its utilization review procedures in material intended for prospective enrollees.

3. A health carrier shall print on its membership cards a toll-free telephone number to call for utilization review decisions.

4. (1) A health carrier or utilization review entity shall make any current prior authorization requirements or restrictions, including written clinical review criteria, readily accessible on its website or provider portal. Requirements and restrictions, including step therapy protocols as such term is defined in section 376.2030, shall be described in detail.

(2) No health carrier or utilization review entity shall amend or implement a new prior authorization requirement or restriction prior to the change being reflected on the carrier or utilization review entity's website or provider portal as specified in subdivision (1) of this subsection.

(3) Health carriers and utilization review entities shall provide participating providers with written or electronic notice of the new or amended requirement not less than sixty days prior to implementing the requirement or restriction.

376.1385. SECOND-LEVEL REVIEW PROCEDURES. — 1. Upon receipt of a request for second-level review, a health carrier shall submit the grievance to a grievance advisory panel consisting of:

(1) Other enrollees; **and**

(2) Representatives of the health carrier that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance**[**; and**]**.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

[(3)**]** **2.** Where the grievance involves an adverse determination, **[**a majority of persons that are appropriate**]** **and the grievance advisory panel makes a preliminary decision that the determination should be upheld, the heath carrier shall submit the grievance for review to two independent** clinical peers in the same or similar specialty as would typically manage the case being reviewed **[**that**]** **who** were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance. **In the event that both independent reviews concur with the grievance advisory panel's preliminary decision, the panel's decision shall stand. In the event that both independent reviewers disagree with the grievance advisory panel's preliminary decision, the intitial adverse determination shall be overturned. In the event that one of the two independent reviewers disagrees with the grievance advisory panel's preliminary decision, the panel shall reconvene and make a final decision in its discretion.**

[2.**]** **3.** Review by the grievance advisory panel shall follow the same time frames as a first level review, except as provided for in section 376.1389 if applicable. Any decision of the grievance advisory panel shall include notice of the enrollee's or the health carrier's or plan sponsor's rights to file an appeal with the director's office of the grievance advisory panel's decision. The notice shall contain the toll-free telephone number and address of the director's office.

630.175. PHYSICAL AND CHEMICAL RESTRAINTS PROHIBITED, EXCEPTIONS — REQUIREMENTS FOR COLLABORATIVE PRACTICE ARRANGEMENTS AND SUPERVISION AGREEMENTS — SECURITY ESCORT DEVICES AND CERTAIN EXTRAORDINARY MEASURES NOT CONSIDERED PHYSICAL RESTRAINT. — 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632 and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility, the attending licensed physician, or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a **[**supervision agreement**]** **collaborative practice arrangement**, with the attending licensed physician that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. An advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a **[**supervision agreement**]** **collaborative practice arrangement**, with the attending licensed physician may make a determination that the chosen intervention is necessary for patients, residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse, physician assistant, or assistant physician shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

(1) Four hours duration in the case of a person under eighteen years of age;

(2) Eight hours duration in the case of a person eighteen years of age or older; or

(3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a **[**supervision agreement**]** **collaborative practice arrangement**, with the attending licensed physician.

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a **[**supervision agreement**]** **collaborative practice arrangement**, with the attending licensed physician that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a **[**supervision agreement**]** **collaborative practice arrangement**, with the attending licensed physician that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a **[**supervision agreement**]** **collaborative practice arrangement**, with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, "division" shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person's individual support plan. Direct-care staff that serve persons with developmental disabilities in habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer's individual support plan.

630.875. CITATION OF LAW — DEFINITIONS — PROGRAM CREATED, PURPOSE — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Improved Access to Treatment for Opioid Addictions Act" or "IATOA Act".

2. As used in this section, the following terms mean:

(1) "Department", the department of mental health;

(2) "IATOA program", the improved access to treatment for opioid addictions program created under subsection 3 of this section.

3. Subject to appropriations, the department shall create and oversee an "Improved Access to Treatment for Opioid Addictions Program", which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.

4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.

5. For the purposes of the IATOA program, a remote collaborating **[**or supervising**]** physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.

6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.

7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.

8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:

(1) Engage in community education;

(2) Engage in professional education outreach programs with local treatment providers;

(3) Serve as a liaison to courts;

(4) Serve as a liaison to addiction support organizations;

(5) Provide educational outreach to schools;

(6) Treat physical ailments of patients in an addiction treatment program or considering entering such a program;

(7) Refer patients to treatment centers;

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(8) Assist patients with court and social service obligations;
(9) Perform other functions as authorized by the department; and
(10) Provide mental health services in collaboration with a qualified licensed physician.

The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section. Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.

11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure vital health care services for Missouri citizens, the repeal and reenactment of section 208.930 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 208.930 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 11, 2019

CCS SS SCS HCS HB 399

Enacts provisions relating to healthcare, with an emergency clause for a certain section.

AN ACT to repeal sections 192.007, 208.909, 208.918, 208.924, 208.930, 376.690, 376.1040, 376.1042, and 376.1224, RSMo, and to enact in lieu thereof seventeen new sections relating to healthcare, with an emergency clause for a certain section.

Vetoed July 12, 2019

SCS HCS HB 447

Enacts provisions relating to the deceased.

AN ACT to repeal sections 58.095, 58.451, 58.720, 192.067, 193.145, 193.265, 194.119, 210.192, 210.194, 210.195, and 333.011, RSMo, and to enact in lieu thereof fifteen new sections relating to the deceased.

Vetoed July 12, 2019

CCS #2 HCS SCS SB 147

Enacts provisions relating to motor vehicles, with penalty provisions and an effective date for certain sections.

AN ACT to repeal sections 32.056, 136.055, 144.070, 300.155, 301.010, 301.020, 301.030, 301.032, 301.067, 301.191, 302.020, 302.170, 302.341, 302.720, 302.768, 304.153, 304.281, and 307.350, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Vetoed July 12, 2019

CCS HCS SB 202

Enacts provisions relating to mining royalties on federal land.

AN ACT to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

Vetoed July 12, 2019

HCS SB 282

Enacts provisions relating to the disposition of human remains.

AN ACT to repeal sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof eight new sections relating to the disposition of human remains.

Vetoed July 12, 2019

SS SB 414

Enacts provisions relating to innovations in health insurance.

AN ACT to amend chapter 376, RSMo, by adding thereto two new sections relating to innovations in health insurance.

Vetoed July 12, 2019

ADOPTED INITIATIVE PETITION TO THE CONSTITUTION OF MISSOURI

AUGUST 4, 2020

CONSTITUTIONAL AMENDMENT NO. 2. — (Proposed by Initiative Petition)

Official Ballot Title:

Do you want to amend the Missouri Constitution to:

- adopt Medicaid Expansion for persons 19 to 64 years old with an income level at or below 133% of the federal poverty level, as set forth in the Affordable Care Act;
- prohibit placing greater or additional burdens on eligibility or enrollment standards, methodologies or practices on persons covered under Medicaid Expansion than on any other population eligible for Medicaid; and
- require state agencies to take all actions necessary to maximize federal financial participation in funding medical assistance under Medicaid Expansion?

State government entities are estimated to have one-time costs of approximately $6.4 million and an unknown annual net fiscal impact by 2026 ranging from increased costs of at least $200 million to savings of $1 billion. Local governments expect costs to decrease by an unknown amount.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to adopt Medicaid Expansion for persons 19 to 64 years old with an income level at or below 133% of the federal poverty level, as set forth in the Affordable Care Act. Currently, Medicaid eligibility is set forth in state statute, but this amendment adds Medicaid Expansion to our constitution. This amendment prohibits placing greater or additional burdens on eligibility or enrollment standards, methodologies or practices on persons covered under Medicaid Expansion than on any other population eligible for Medicaid. The amendment requires state agencies to take all actions necessary to maximize federal financial participation in funding medical assistance under Medicaid Expansion. Federal law requires states to fund a portion of the program in order to receive federal funding (state match). This amendment does not provide new state funding or specify existing funding sources for the required state match.

A "no" vote will not amend the Missouri Constitution to adopt Medicaid Expansion.

If passed, this measure has no direct impact on taxes.

SECTION

36(c) MO HealthNet expansion — eligibility — state plan amendments — maximization of federal participation — limitation on burdens or restrictions.

Be it resolved by the people of the State of Missouri that the Constitution be amended:

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

Article IV of the Constitution is revised by adding one new section to be known as Article IV, Section 36(c) to read as follows:

SECTION 36(C). MO HEALTHNET EXPANSION — ELIGIBILITY — STATE PLAN AMENDMENTS — MAXIMIZATION OF FEDERAL PARTICIPATION — LIMITATION ON BURDENS OR RESTRICTIONS. — 1. Notwithstanding any provision of law to the contrary, beginning July 1, 2021, individuals nineteen years of age or older and under sixty-five years of age who qualify for MO HealthNet services under 42 U.S.C. Section 1396a(a)(10)(A)(i)(VIII) and as set forth in 42 C.F.R. 435.119, and who have income at or below one hundred thirty-three percent of the federal poverty level plus five percent of the applicable family size as determined under 42 U.S.C. Section 1396a(c)(14) and as set forth in 42 C.F.R. 435.603, shall be eligible for medical assistance under MO HealthNet and shall receive coverage for the health benefits service package.

2. For purposes of this section, "health benefits service package" shall mean benefits covered by the MO HealthNet program as determined by the department of social services to meet the benchmark or benchmark-equivalent requirement under 42 U.S.C. Section 1396a(k)(1) and any implementing regulations.

3. No later than March 1, 2021, the Department of Social Services and the MO HealthNet Division shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

4. The Department of Social Services and the MO HealthNet Division shall take all actions necessary to maximize federal financial participation in funding medical assistance pursuant to this section.

5. No greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices shall be imposed on persons eligible for MO HealthNet services pursuant to this section than on any other population eligible for medical assistance.

6. All references to federal or state statutes, regulations or rules in this section shall be to the version of those statutes, regulations or rules that existed on January 1, 2019.

FOR—676,687; AGAINST—593,491

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF MISSOURI

SJRs 14 & 9 [SS SCS SJRs 14 & 9]

Proposes a constitutional amendment that modifies term limits for various elected public officers

CONSTITUTIONAL AMENDMENT NO. 1. — (Proposed by the 100th General Assembly, First Regular Session, SJRs 14 & 9)

Official Ballot Title:

Do you want to amend the Missouri Constitution to extend the two term restriction that currently applies to the Governor and Treasurer to the Lt. Governor, Secretary of State, Auditor and the Attorney General?

State and local governmental entities estimate no costs or savings from this proposal.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to impose a two term restriction on all statewide elected officials, which currently only applies to the Governor and Treasurer.

A "no" vote will leave the terms that statewide elected officials may serve unchanged.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to the limitation of terms served by certain elected officers

SECTION
A. Enacting clause.
15 Term limits for certain state elected officials.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2020, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VII of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article VII, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 15, to read as follows:

SECTION 15. TERM LIMITS FOR CERTAIN STATE ELECTED OFFICIALS — No person shall be elected governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general more than twice, and no person who has held the office of governor, lieutenant governor,

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

secretary of state, state auditor, state treasurer, or attorney general, or acted as governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general, for more than two years of a term to which some other person was elected to such office shall be elected to that same office more than once. This subsection shall supersede the provisions of Article IV, Section 17 that relate to term limitations, provided that service in the offices of governor or state treasurer resulting from an election or appointment, or in the case of the governor succession to office, prior to December 3, 2020, shall count towards the limitations provided in this subsection.

HCR 1

BE IT RESOLVED, by the House of Representatives of the One Hundredth General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 2:30 p.m., Wednesday, January 9, 2019, to commemorate the One Hundredth General Assembly with an official photograph; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HCR 2

BE IT RESOLVED, by the House of Representatives of the One Hundredth General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 3:00 p.m., Wednesday, January 16, 2019, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the One Hundredth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HCR 3

BE IT RESOLVED, by the House of Representatives of the One Hundredth General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 30, 2019, to receive a message from the Honorable Zel M. Fischer, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the One Hundredth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HCR 18

WHEREAS, the United States military has five branches that offer Junior Reserve Officer Training Corps (JROTC): the Marine Corps, Army, Navy, Air Force, and Coast Guard; and

WHEREAS, JROTC courses are offered at over three thousand high schools across the United States; and

WHEREAS, participation in the elective JROTC courses does not require students to join the military; and

WHEREAS, JROTC courses are not military-preparation courses but teach life skills that are not instilled in many of today's youth: taking orders, punctuality, responsibility, personal hygiene, physical fitness, and respect; and

WHEREAS, JROTC courses provide leadership skills and opportunity for underprivileged youth across the state, especially in inner cities; and

WHEREAS, students who participate in JROTC receive the opportunity to use firearms correctly and safely as part of firearms training; and

WHEREAS, many students in rural areas have no access to JROTC courses due to an insufficient number of schools offering JROTC courses and the locations of current JROTC programs, and all Missouri high school students deserve the opportunity to enroll in a JROTC course, regardless of the location of their school; and

WHEREAS, students deserve access to JROTC courses because the JROTC program creates better, stronger youth; JROTC courses increase the confidence and self-esteem of participants; graduation rates of students in JROTC courses are exponentially higher than the graduation rates of students not enrolled in a JROTC course in their respective schools; attendance rates of students in JROTC courses are higher than those of students not enrolled in a JROTC course; and the grade point averages of students enrolled in JROTC courses are higher than those of students not enrolled in a JROTC course; and

WHEREAS, the United States Department of Defense allocates funds to schools and school districts to support JROTC courses:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby urge all public schools in Missouri school districts to take the necessary steps to institute JROTC courses in their schools; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each superintendent of a Missouri school district and the United States Representatives and Senators for the State of Missouri.

HCR 34

WHEREAS, John Jordan "Buck" O'Neil was born in Carrabelle, Florida, in 1911; and

WHEREAS, O'Neil was prevented from attending high school as a result of racial segregation; and

WHEREAS, O'Neil left Florida in 1934 to play semi-professional exhibition baseball; and

WHEREAS, he signed with the Memphis Red Sox, a member of the newly formed Negro American League, in their first year of play in 1937; and

WHEREAS, in 1938, O'Neil's contract was sold to the Kansas City Monarchs, where he played until 1955, except for 1943-1945 when he served in the Navy in World War II; and

WHEREAS, O'Neil's career batting average was .288 and he had an average over .300 in four seasons; and

WHEREAS, in 1946, O'Neil led the Negro American League with a .353 batting average; and

WHEREAS, he played in three Negro League All-Star games and in two Negro League World Series; and

WHEREAS, O'Neil was named manager of the Kansas City Monarchs in 1948, and also continued to play first base until 1951; and

WHEREAS, in 1955, O'Neil became a scout for the Chicago Cubs and is credited with recruiting Hall of Famer Lou Brock; and

WHEREAS, O'Neil returned to Kansas City as a scout for the Royals in 1988; and

WHEREAS, he was named Midwest Scout of the Year in 1998; and

WHEREAS, O'Neil's commitment to preserving the history of the Negro Leagues was unparalleled; and

WHEREAS, in 1990, O'Neil led the effort to establish the Negro Leagues Baseball Museum in Kansas City and served as its honorary board chairman until his death in 2006; and

WHEREAS, he was inducted into the Baseball Scouts Hall of Fame in 2002; and

WHEREAS, at Kaufmann Stadium, the Kansas City Royals have designated Seat 9, Row C, Section 127 as the "Buck O'Neil Legacy Seat", occupied at every home game by an individual who best exemplifies O'Neil's spirit; and

WHEREAS, in 2006, O'Neil was posthumously awarded the Presidential Medal of Freedom by President George W. Bush for his "excellence and determination both on and off the baseball field"; and

WHEREAS, O'Neil was awarded the first annual Beacon of Life Award by Major League Baseball in 2007:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundredth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Baseball Hall of Fame to induct John Jordan "Buck" O'Neil into the Baseball Hall of Fame in recognition of his contributions to the sport as a player, manager, scout, and for his work to preserve and promote the history of the sport for future generations; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Governor, and the National Baseball Hall of Fame and Museum.

SCR 2

Replaces Statue of Thomas Hart Benton With Statue of Harry S Truman in Statuary Hall.

Relating to the replacement of a statue in the Statuary Hall of the Capitol of the United States.

Whereas, 40 U.S.C. Section 187 permits a state to ask the Joint Committee on the Library of Congress for replacement of a statue it provided for display in the National Statuary Hall in the Capitol of the United States after the passage of the required display time period specified in 40 U.S.C. Section 187a; and

Whereas, that request must be made by a resolution adopted by the legislature of the state and approved by the Governor; and

Whereas, in 1895, the Missouri General Assembly authorized placement of statues of Thomas Hart Benton and Francis Preston Blair in Statuary Hall, which statues were placed there in 1899; and

Whereas, Thomas Hart Benton was a five-term United States Senator from Missouri and was an architect and champion of westward expansion by the United States; and

Whereas, Harry S Truman was the most important statesman Missouri ever gave the nation, an outstanding county official, United States Senator, Vice President and President of the United States who brought the Second World War to completion, led the free world at the beginning of the Cold War, and stood for fairness and opportunity for all Americans:

Now Therefore Be It Resolved by the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request approval from the Joint Committee on the Library of Congress to replace the statue of Thomas Hart Benton with a statue of Harry S Truman as one of the two statues Missouri is entitled to display in the Statuary Hall of the United States Capitol; and

Be It Further Resolved that the Missouri General Assembly requests the Statue of Thomas Hart Benton be returned to the State of Missouri as permitted under 40 U.S.C. Section 187a(d); and

Be It Further Resolved that Secretary of the Senate be instructed to send copies of this resolution for the Joint Committee on the Library of Congress in care of the chair of the committee and to each member of the Missouri Congressional delegation; and

Be It Further Resolved that the Secretary of the Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 11, 2019

SCR 4

Designates Kansas City Chiefs as Official NFL Team of Missouri.

Relating to the designation of the Kansas City Chiefs as the official professional football team of the state of Missouri.

Whereas, the Kansas City Chiefs are Missouri's professional National Football League team; and

Whereas, Lamar Hunt was instrumental in the creation of the Kansas City Chiefs when he brought the franchise to Kansas City from Dallas, Texas in 1963, when the team was known as the Dallas Texans; and

Whereas, a fan contest determined the name "Chiefs" in honor of the nickname of Mayor Harold Roe Bartle, who persuaded Hunt to bring the team to Kansas City; and

Whereas, the Chiefs initially were a franchise in the American Football League, prior to its merger with the National Football League; and

Whereas; before merging with the National Football League, the Chiefs were the most successful team in AFL during the 1960s; and

Whereas, that success led to the Kansas City Chiefs being a part of the first Super Bowl, and the winning team in Super Bowl IV against the Minnesota Vikings; and

Whereas, over the years, the Kansas City Chiefs have had many successful seasons and many all-pro players; and

Whereas, the team and its players have been an important part of the city and state:

Now Therefore Be It Resolved by the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate the Kansas City Chiefs as the official NFL football team of the state of Missouri; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 9, 2019

SCR 5

Establishes the Joint Committee on Solid Waste Management District Operations

Whereas, the Joint Committee on Solid Waste Management District Operations was originally established pursuant to Senate Concurrent Resolution 17 during the Second Regular Session of the Ninety-seventh General Assembly; and

Whereas, Senate Concurrent Resolution 17 established the Joint Committee on Solid Waste Management District Operations to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers; and

Whereas, the Joint Committee on Solid Waste Management District Operations heard testimony from individuals, business owners, and various interested parties during September and December 2014; and

Whereas, after review and consideration of the testimony presented, the Joint Committee on Solid Waste Management District Operations considered multiple legislative proposals relating to solid waste; and

Whereas, the Joint Committee on Solid Waste Management District Operations held a public hearing on December 3, 2014 to receive comments on a draft Senate bill relating to solid waste; and

Whereas, the draft Senate bill was discussed and received support from multiple stakeholders, and such draft bill was filed by Senator Wallingford as Senate Bill 152 during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the provisions of Senate Bill 152 were truly agreed to and finally passed in Senate Bill 445 sponsored by Senator Romine during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2014, but had further hearings to conduct and additional legislative alternatives to research, and was reauthorized by the General Assembly by Senate Concurrent Resolution 3 during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2016, but has further hearings to conduct relating to the implementation of the provisions of Senate Bill 445, as well as additional legislative alternatives relating to solid waste management district operations to research:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Committee on Solid Waste Management District Operations" to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers, and the implementation of the provisions of Senate Bill 445; and

Be It Further Resolved that the Joint Committee on Solid Waste Management District Operations shall be composed of five members of the Senate, with no more than three members of one party, and five members of the House of Representatives, with no more than three members of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate and the House members by the Speaker of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate; and

Be It Further Resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate, as well as the Department of Natural Resources and representatives of solid waste management districts; and

Be It Further Resolved that the Joint Committee may prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by December 31, 2019, at which time the Joint Committee shall be dissolved; and

Be It Further Resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be It Further Resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund.

SCR 6

Calls on the Chinese Government to end the practice of organ harvesting from prisoners

Whereas, extensive and credible reports have revealed mass killing of prisoners of conscience in the People's Republic of China, primarily practitioners of the spiritual based exercises of Falun Gong, but also other religious and ethnic minority groups, in order to obtain organs for transplants; and

Whereas, the organ transplantation system in China does not comply with the World Health Organization's Guiding Principles of traceability and transparency in organ procurement pathways, and the government of the People's Republic of China has resisted independent scrutiny of the system; and

Whereas, traditional Chinese custom requires bodies to be preserved intact after death. With rare voluntary organ donation, however, China's transplantation industry significantly increased since 2000; and

Whereas, the 2017 Freedom House Report "The Battle for China's Spirit" states that "Available evidence suggests that forced extraction of organs from Falun Gong detainees for sale in transplant operations has occurred on a large scale and may be continuing"; and

Whereas, an investigative report, published in June 2016, conducted by human rights attorney David Matas, former Canadian Secretary of State for Asia-Pacific David Kilgour, and journalist Ethan Gutmann, estimated that China is performing 60,000 to 100,000 transplants per year as opposed to 10,000 transplants claimed by the Chinese government, which is "an industrial-scale, state-directed organ transplantation system, controlled through national policies and funding, and implicating both the military and civilian healthcare systems"; and

Whereas, China's Liver Transplant Registry System indicated that more than 25% of cases were emergency transplants, for which an organ was found within days or even hours. Wait times for non-emergency liver transplants were usually quoted in weeks. Most patients in other countries have to wait years for a transplant; and

Whereas, the Chinese government claims that 90% of China's organ transplant sources come from executed prisoners. However, the number of executions has dropped 10% annually since 2002 and is far less than the number of transplants taking place. The government has never acknowledged the sourcing of organs from prisoners of conscience; and

Whereas, Falun Gong, a spiritual practice involving meditative "qigong" exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the 1990s, with multiple estimates placing the number of practitioners at upwards of 70 million; and

Whereas, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong, including physical and mental torture, reflecting the party's long-standing intolerance of large independent civil society groups; and

Whereas, since 1999, hundreds of thousands of Falun Gong practitioners have been detained extra-legally in Chinese reeducation-through-labor camps, detention centers, and prisons, where torture, abuse, and implausible medical exams and blood tests on Falun Gong practitioners are routine; and

Whereas, Freedom House reported in 2015 that Falun Gong practitioners comprise the largest portion of prisoners of conscience in China, and face an elevated risk of dying or being killed in custody; and

Whereas, the United Nations Committee Against Torture and the Special Rapporteur on Torture have expressed concern over the allegations of organ harvesting from Falun Gong prisoners, and have called on the Government of the People's Republic of China to increase

accountability and transparency in the organ transplant system and punish those responsible for abuses; and

Whereas, in June 2016, the U.S. House of Representatives unanimously passed House Resolution 343, condemning the systematic, state-sanctioned organ harvesting from Falun Gong and other prisoners of conscience; and

Whereas, the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to live; and

Whereas, organ tourism to China should not be shielded by medical confidentiality, but openly monitored. No nation should allow their citizens to go to China for organs until China has allowed a full investigation into organ harvesting of prisoners of conscience, both past and present:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein:

(1) Call upon the Government of the People's Republic of China to immediately end the practice of organ harvesting from all prisoners and prisoners of conscience, and explicitly from Falun Gong prisoners of conscience and members of other religious and ethnic minority groups;

(2) Call upon the Government of the People's Republic of China to immediately end the 17-year persecution of the Falun Gong, and the immediate release of all Falun Gong practitioners and other prisoners of conscience;

(3) Call upon the President of the United States to undertake a full and transparent investigation by the United States Department of State into organ transplant practices in the People's Republic of China, and calls for the prosecution of those found to have engaged in such unethical practices;

(4) Encourage the medical community of Missouri to engage in educating colleagues and residents of Missouri about the risks of travel to China for organ transplants so as to help prevent Missouri residents from unwittingly becoming involved in murder in the form of forced organ harvesting from prisoners of conscience; and

(5) Agree to take measures to ban the entry of those who have participated in illegal removal of human tissues and organs, and seek prosecution of such individuals should they be found on the soil of Missouri; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Vice President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the chair of the Senate Committee on Foreign Affairs, the chair of the House Committee on Foreign Relations, and each member of Missouri's Congressional delegation.

SCR 13

Encourages schools to include courses on the Bible in education curriculum

Whereas, for nearly two thousand years, the Bible has been a cornerstone of Western civilization, its content permeating nearly all aspects of culture, manifesting itself most notably in literature, music, art, drama, public discourse, and philosophy; and

Whereas, wisdom literature from the Bible, which has an emphasis on good character, has been taught for three thousand years but not for the last fifty years by accident; and

Whereas, forty studies have documented a correlation between improved school grades for children and the teaching of the biblical character of love, integrity, compassion, and self-discipline; and

Whereas, biblical references abound in the works of Western literature, including those of William Shakespeare and John Milton, and allusions to biblical themes and characters have been used effectively by writers as diverse as Dante Alighieri and Toni Morrison; and

Whereas, the Bible has been a source for public discourse and policy both past and present, and great leaders, including George Washington, Abraham Lincoln, and Martin Luther King, Jr., inspired entire generations by including biblical references and language in their speeches; and

Whereas, the English language itself is so filled with biblical vocabulary, themes, terms, and allusions that it cannot be fully understood and appreciated by individuals unfamiliar with the Bible, depriving them of much of the richness of the language; and

Whereas, a report on Bible literacy, which included findings from a Gallup Poll survey on American teenagers' knowledge of the Bible, found that American high school students are deficient in their academic knowledge of the Bible and that this deficiency is a limiting factor in their ability to study literature and to understand art, music, history, and culture; and

Whereas, United States Supreme Court Justice Tom Clark, in the 1963 case Abington v. Schempp, wrote that "it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization." He further wrote "that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment"; and

Whereas, in a document entitled The Bible & Public Schools, a First Amendment Guide, twenty diverse groups, including the National School Boards Association, American Federation of Teachers, National Education Association, Christian groups, Jewish groups, and secular groups, all agreed that the Bible can and should be taught in public schools as long as such teaching is academic and not devotional in nature, demonstrates an awareness of the religious nature of the Bible but does not press students to accept religion, does not engage in the practice of religion, neither encourages or discourages differing religious views, and does not ask students to conform to any religious belief; and

Whereas, George Gallup polling and other research over the years has shown that more than two-thirds of the American public believe the Bible should be taught in public schools as part of the curriculum in literature courses, social studies courses, or both literature and social studies courses; and

Whereas, the general assembly realizes the academic advantage to students of a basic familiarity with the Bible:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby:

(1) Encourage public high schools in Missouri to:

(a) Offer to students in grade nine or above:

a. An elective course on the Hebrew Scriptures (Old Testament) and their influence and an elective course on the New Testament and its influence; or

b. An elective course that combines the courses described above; and

(b) Require that all world literature courses include a three-week session on wisdom literature from the Bible, as has been done for three thousand years;

(2) Declare that the purpose of the courses described above is to teach students the biblical content, characters, and narratives of the Bible that are prerequisites to understanding contemporary society and culture, along with the role the Bible has played in the development of literature, art, music, culture, and public discourse;

(3) Urge the offering of the courses described above only if the courses:

(a) Do not endorse, favor, or promote, or disfavor or discourage, any particular religion or nonreligious faith or religious perspective;

(b) Are taught by state-certified literature or social studies teachers who have been selected without inquiry into their religious beliefs or lack thereof;

(c) Allow students to choose their preferred translation of the Hebrew Scriptures or the New Testament; and

(d) Award students the same number of course credits that are awarded for other courses of similar duration;

(4) Urge the offering of the courses described above only if school districts make teacher training available to teachers of the courses so that they are made aware of the best practices involved in teaching the Bible in a public school setting; and

(5) Declare that no state entity, school district, or local educational agency should prevent the teaching of courses or classes on the Bible so long as those courses meet guidelines consistent with the First Amendment; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each school district in Missouri.

SS #2 SCR 14

Transportation Bonds for 215 Bridges on State Highway System.

Relating to transportation bonds.

Whereas, the General Assembly recognizes the need for the repair of bridges on the state highway system that are contained in the Highways and Transportation Commission's Statewide Transportation Improvement Program for years 2020 to 2024; and

Whereas, pursuant to Article IV, Section 30(b) of the Missouri Constitution, the Highways and Transportation Commission is authorized to issue state road bonds to fund the construction and reconstruction of the state highway system; and

Whereas, the General Assembly desires that the Highways and Transportation Commission issue state road bonds to finance the planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifteen bridges on the state highway system that are contained in the Statewide Transportation Improvement Program for 2020 to 2024; and

Whereas, the General Assembly wishes to assist the Highways and Transportation Commission by providing funds as first recourse for payment of the debt service for such bonds from General Revenue Fund revenues to the State Road Fund:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the following:

1. The planning, designing, construction, reconstruction, rehabilitation, and significant repair of two hundred fifteen bridges on the state highway system as selected by the Highways and

Transportation Commission and included in the Commission's latest approved Statewide Transportation Improvement Program for years 2020 to 2024;

2. The total estimated project costs for two hundred fifteen bridges, not to exceed three hundred one million dollars; and

3. The issuance of Highways and Transportation Commission state road bonds in an amount sufficient to pay such project costs, plus costs of issuance, with such bonds to be payable over a term not to exceed seven years and such term of payment to begin no earlier than July 1, 2020; and

Be It Further Resolved that the members of the General Assembly support the following:

1. That the debt service for such state road bonds issued by the Highways and Transportation Commission shall be payable from future appropriations to be made by the General Assembly of General Revenue Fund revenues to the State Road Fund; and

2. Pursuant to Article IV, Section 28 of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriation for this purpose, although it is the present intent of the General Assembly that during each of the fiscal years of the state in which the term of such state road bonds remain outstanding, General Revenue Fund revenues be appropriated to the State Road Fund in an amount sufficient to pay the debt service on such bonds; and

Be It Further Resolved that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the members, staff, consultants, and advisors of the Highways and Transportation Commission in issuing such state road bonds; and

2. Execute and deliver a financing agreement with the Highways and Transportation Commission to provide funds appropriated on an annual basis from General Revenue Fund revenues to the State Road Fund for payment of the debt service on such bonds and such other documents and certificates related to such bonds as are consistent with the terms of this concurrent resolution; and

Be It Further Resolved that this resolution shall take effect upon acceptance by the Missouri Department of Transportation of a grant from the federal government for road and bridge purposes; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved June 10, 2019

SCR 17

Establishes September 8-14, 2019 as "Resiliency Week".

Whereas, hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. It is most effective when implemented under a comprehensive, long-term mitigation plan; and

Whereas, the Pre-Disaster Mitigation Grant Program, administered by the Federal Emergency Management Agency, is designed to assist states and local communities in implementing sustained pre-disaster natural hazard mitigation programs; and

Whereas, federal legislation recently enacted, the Disaster Recovery Reform Act, makes available new dollars for states and communities to undertake pre-disaster mitigation measures and creates new incentives for states to build resiliently; and

Whereas, since 1908 natural disasters have cost the country more than one trillion dollars; and

Whereas, disasters affect the local and state economies in lost payrolls, lost sales and income tax, and increased disaster recovery times; and

Whereas, according to a FEMA commissioned study conducted by the National Institute of Building Sciences, every $1 spent on hazard mitigation provides the nation with $6 in future benefits; and

Whereas, twenty-five percent of small businesses that are impacted by a natural disaster never reopen their doors; and

Whereas, September is National Preparedness Month in recognition of the need for all Americans to prepare and plan for recovery after a disaster; and

Whereas, mitigation planning is a key process used to break the cycle of disaster damage, reconstruction, and repeated damage; and

Whereas, effective pre-disaster mitigation reduces the demand for relief services on volunteer organizations such as disaster rescue and recovery teams, along with food banks and homeless shelters, who serve our communities by changing their operations to provide additional services to those affected by disaster; and

Whereas, this body honors the brave men and women who, as first responders, selflessly provide aid in a disaster to safeguard Missouri citizens; and

Whereas, this body encourages Missouri communities to build resiliently and develop long-range mitigation strategies for protecting people and property from future hazard events:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare the week of September 8-14, 2019, as "Resiliency Week" to raise public awareness about the continuing need to plan for future disasters by instituting a pre-disaster mitigation strategy.

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LAWS PASSED

DURING THE

ONE HUNDREDTH

GENERAL ASSEMBLY,

FIRST EXTRAORDINARY SESSION

(2019)

Convened Monday, September 9, 2019.
Adjourned Sine Die
Tuesday, September 24, 2019.

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HB 1

Modifies provisions relating to sales and use tax allowances for certain items.

AN ACT to repeal section 144.025, RSMo, and to enact in lieu thereof one new section relating to sales and use tax allowances for certain items.

SECTION

A. Enacting clause.

144.025 Transactions involving trade-in or rebate, how computed — exceptions — definitions — agricultural use, allowance.

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

SECTION A. ENACTING CLAUSE. — Section 144.025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.025, to read as follows:

144.025. TRANSACTIONS INVOLVING TRADE-IN OR REBATE, HOW COMPUTED — EXCEPTIONS — DEFINITIONS — AGRICULTURAL USE, ALLOWANCE. — 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsections 4 and 5 of this section, where any article on which sales or use tax has been paid, credited, or otherwise satisfied or which was exempted or excluded from sales or use tax is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article **or articles** traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article **or articles** traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned to be omitted from the law. Matter in bold-face type in the above bill is proposed language. certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of **[**~~the original article and a bill~~**] one or more previously owned motor vehicles, trailers, boats, or outboard motors, or any combination thereof, and all related bills** of sale showing the paid sale price **[**~~is~~**] are** presented to the department of revenue at the time of licensing. A copy of **[**~~the bill~~**] all such bills** of sale shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of **[**~~the original motor vehicle, trailer, boat, or outboard motor~~**] one or more motor vehicles, trailers, boats, or outboard motors, or any combination thereof**, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period **and presents to the department of revenue a copy of all such bills of sale**.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010.

EXPLANATION--Matter enclosed in bold-faced brackets **[**thus**]** is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, recreational vehicles as defined in section 700.010, or a combination of a truck as defined in section 301.010, and a trailer as defined in section 301.010.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state.

5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of revenue may prescribe forms for compliance with this subsection.

Approved September 25, 2019

SUBJECT INDEX

FOR

ONE HUNDREDTH
GENERAL ASSEMBLY,

FIRST REGULAR SESSION
(2019)

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100TH GENERAL ASSEMBLY, FIRST REGULAR SESSION

APPROPRIATIONS, CONTINUED

HB 4 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation

HB 5 Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety

HB 6 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation

HB 7 Appropriates money for the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations

HB 8 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety

HB 9 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections

HB 10 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services

HB 11 Appropriates money for the expenses, grants, and distributions of the Department of Social Services

HB 12 Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly

HB 13 Appropriates money for real property leases and related services

HB 14 To appropriate money for supplemental purposes for the several departments and offices of state government

HB 17 To appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated

HB 18 To appropriate money for purposes for the several departments and offices of state government; for projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities

HB 19 To appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions

ARCHITECTS

HB 355 Modifies provisions relating to utilities

ARTS AND HUMANITIES

HB 266 Establishes a number of new state designations

ATHLETICS

SCR 4 Designates the Kansas City Chiefs as the official professional football team of the state of Missouri

ATTORNEY GENERAL

SJR 14 Modifies term limits for various elected public officers

SB 213 Enacts new provisions relating to the nonpartisan state demographer

ATTORNEYS

SB 7 Modifies provisions of civil procedure regarding joinder and venue

CHILDREN AND MINORS, CONTINUED

SB 514 Modifies provisions relating to health care
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 397 Modifies provisions relating to the protection of children
HB 399 Enacts provisions relating to health care (VETOED)
HB 604 Modifies provisions relating to elementary and secondary education

CHILDREN'S DIVISION

SB 514 Modifies provisions relating to health care
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 397 Modifies provisions relating to the protection of children

CITIES, TOWNS, AND VILLAGES

SB 21 Modifies provisions relating to local sales taxes
SB 291 Modifies provisions relating to public safety
SB 397 Extends the period of time in which a petition to create a museum and cultural district may be filed
HB 192 Modifies provisions relating to court procedures
HB 355 Modifies provisions relating to utilities
HB 821 Establishes the Land Bank Act

CIVIL PENALTIES

SB 54 Enacts provisions relating to insurance companies
SB 89 Enacts provisions relating to transportation
SB 133 Modifies provisions relating to agriculture
SB 134 Modifies provisions relating to solid waste
SB 203 Modifies nuisance actions in certain cities and counties
HB 126 Modifies provisions relating to abortion
HB 260 Provides that any person found guilty of poaching a wild turkey, paddlefish, an antlered white-tailed deer, excluding does, black bear, or elk may be required to provide restitution to the state
HB 397 - Modifies provisions relating to the protection of children
HB 499 - Enacts provisions relating to transportation

CIVIL PROCEDURE

SB 7 Modifies provisions of civil procedure regarding joinder and venue
SB 12 Modifies provisions relating to charges for the service of court orders
SB 30 Allows evidence of failure to wear a seatbelt to prove comparative negligence, causation, absence of defect, and failure to mitigate damages
SB 224 Modifies various Supreme Court Rules relating to discovery
SB 230 Modifies provisions relating to judicial proceedings
SB 291 Modifies provisions relating to public safety
HB 192 Modifies provisions relating to court procedures

CONSERVATION, DEPARTMENT OF

HB 260 Provides that any person found guilty of poaching a wild turkey, paddlefish, an antlered white-tailed deer, excluding does, black bear, or elk may be required to provide restitution to the state

COURTS, CONTINUED

SB 83 Modifies provisions relating to court proceedings
SB 134 Modifies provisions relating to solid waste
SB 147 Enacts provisions relating to motor vehicles (VETOED)
SB 203 Modifies nuisance actions in certain cities and counties
SB 224 Modifies various Supreme Court Rules relating to discovery
SB 230 Modifies provisions relating to judicial proceedings
SB 291 Modifies provisions relating to public safety
SB 297 Allows individuals 75 years of age or older to be excused from petit and grand jury service
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 192 Modifies provisions relating to court procedures
HB 355 Modifies provisions relating to utilities
HB 397 Modifies provisions relating to the protection of children
HB 499 Enacts provisions relating to transportation
HB 547 Provides alternative methods for the disposal of cases including through the use of treatment courts, prosecution diversion programs, and restitution payments
HB 694 Modifies provisions relating to background checks, and extends the expiration of a criminal court surcharge for the DNA Profiling Analysis fund

COURTS, JUVENILE

HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 397 Modifies provisions relating to the protection of children

CREDIT UNIONS

HB 604 Modifies provisions relating to elementary and secondary education

CRIMES AND PUNISHMENT

SB 1 Removes certain offenses from the list of offenses where expungement is not currently available
SB 291 Modifies provisions relating to public safety
HB 126 Modifies provisions relating to abortion
HB 192 Modifies provisions relating to court procedures
HB 243 Allows victims of certain crimes to be released from certain lease agreements if documentation is provided to the landlord and modifies the offense of nonconsensual dissemination of sexual images
HB 260 Provides that any person found guilty of poaching a wild turkey, paddlefish, an antlered white-tailed deer, excluding does, black bear, or elk may be required to provide restitution to the state
HB 355 Modifies provisions relating to utilities
HB 397 Modifies provisions relating to the protection of children
HB 499 Enacts provisions relating to transportation
HB 547 Provides alternative methods for the disposal of cases including through the use of treatment courts, prosecution diversion programs, and restitution payments
HB 604 Modifies provisions relating to elementary and secondary education

CRIMINAL PROCEDURE

SB 224 Modifies various Supreme Court Rules relating to discovery
HB 192 Modifies provisions relating to court procedures
HB 397 Modifies provisions relating to the protection of children

ELDERLY

SB 101 Establishes a statewide hearing aid distribution program
SB 275 Modifies provisions relating to health care
SB 514 Modifies provisions relating to health care

ELECTIONS

SB 17 Modifies provisions relating to public employee retirement systems
SB 291 Modifies provisions relating to public safety

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

SB 275 Modifies provisions relating to health care
HB 604 Modifies provisions relating to elementary and secondary education

EMBLEMS

SCR 4 Designates the Kansas City Chiefs as the official professional football team of the state of Missouri
SB 210 Creates a number of official state designations, a memorial highway, and the Missouri Historical Theater program
HB 266 Establishes a number of new state designations

EMERGENCIES

SB 89 Enacts provisions relating to transportation
SB 291 Modifies provisions relating to public safety

EMPLOYEES - EMPLOYERS

SB 17 Modifies provisions relating to public employee retirement systems
SB 275 Modifies provisions relating to health care
HB 77 Exempts any person retired and receiving a retirement allowance from PSRS and employed by a public community college from current law relating to retirement allowance restrictions
HB 604 Modifies provisions relating to elementary and secondary education

EMPLOYMENT SECURITY

SB 90 Modifies various provisions relating to employment security

ENERGY

HB 355 Modifies provisions relating to utilities

ESTATES, WILLS AND TRUSTS

SB 282 Modifies provisions relating to the disposition of human remains (VETOED)

ETHICS

SB 213 Enacts new provisions relating to the nonpartisan state demographer

EVIDENCE

SB 30 Allows evidence of failure to wear a seatbelt to prove comparative negligence, causation, absence of defect, and failure to mitigate damages

FAMILY LAW

SB 83 Modifies provisions relating to court proceedings

GENERAL ASSEMBLY, CONTINUED

SB 391 Modifies provisions relating to agricultural operations

GOVERNOR AND LT. GOVERNOR

SJR 14 Modifies term limits for various elected public officers
HB 612 Transfers the State Council on the Arts from the Department of Economic Development to the Office of the Lieutenant Governor

GUARDIANS

SB 230 Modifies provisions relating to judicial proceedings
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

SB 275 Modifies provisions relating to health care
SB 282 Modifies provisions relating to the disposition of human remains (VETOED)
SB 391 Modifies provisions relating to agricultural operations
HB 126 Modifies provisions relating to abortion
HB 397 Modifies provisions relating to the protection of children
HB 399 Enacts provisions relating to health care (VETOED)
HB 447 Modifies provisions relating to the deceased (VETOED)

HEALTH CARE

SB 29 Extends the sunset on certain health care provider reimbursement allowances
SB 101 Establishes a statewide hearing aid distribution program
SB 275 Modifies provisions relating to health care
SB 514 Modifies provisions relating to health care
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 399 Enacts provisions relating to health care (VETOED)

HEALTH CARE PROFESSIONALS

SB 29 Extends the sunset on certain health care provider reimbursement allowances
SB 275 Modifies provisions relating to health care
SB 514 Modifies provisions relating to health care
HB 126 Modifies provisions relating to abortion
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 399 Enacts provisions relating to health care (VETOED)

HEALTH, PUBLIC

SB 275 Modifies provisions relating to health care
SB 391 Modifies provisions relating to agricultural operations
SB 414 Enacts provisions relating to innovation in health insurance (VETOED)

HIGHER EDUCATION, DEPARTMENT OF

SB 68 Modifies provisions relating to workforce development

HIGHWAY PATROL

HB 694 Modifies provisions relating to background checks, and extends the expiration of a criminal court surcharge for the DNA Profiling Analysis fund

JACKSON COUNTY

SB 291 Modifies provisions relating to public safety

JUDGES

HB 192 Modifies provisions relating to court procedures

JURIES

SB 297 Allows individuals 75 years of age or older to be excused from petit and grand jury service

KANSAS CITY

SB 182 Modifies provisions relating to the issuance of certain incentives to businesses relocating from certain counties in Kansas

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

SB 90 Modifies various provisions relating to employment security

LANDLORDS AND TENANTS

HB 243 Allows victims of certain crimes to be released from certain lease agreements if documentation is provided to the landlord and modifies the offense of nonconsensual dissemination of sexual images

LAW ENFORCEMENT OFFICERS AND AGENCIES

SB 12 Modifies provisions relating to charges for the service of court orders
SB 291 Modifies provisions relating to public safety
HB 192 Modifies provisions relating to court procedures
HB 694 Modifies provisions relating to background checks, and extends the expiration of a criminal court surcharge for the DNA Profiling Analysis fund
HB 898 Establishes a "Back the Blue" special license plate

LIABILITY

SB 30 Allows evidence of failure to wear a seatbelt to prove comparative negligence, causation, absence of defect, and failure to mitigate damages
SB 134 Modifies provisions relating to solid waste

LICENSES - DRIVER'S

SB 89 Enacts provisions relating to transportation
SB 282 Modifies provisions relating to the disposition of human remains (VETOED)
HB 192 Modifies provisions relating to court procedures
HB 499 Enacts provisions relating to transportation

LICENSES - MISCELLANEOUS

SB 36 Modifies provisions relating real estate
SB 275 Modifies provisions relating to health care

LICENSES - MOTOR VEHICLE

SB 89 Enacts provisions relating to transportation
SB 147 Enacts provisions relating to motor vehicles (VETOED)
SB 368 Enacts provisions relating to transportation
HB 831 Establishes special license plates
HB 898 Establishes a "Back the Blue" special license plate

MOTOR VEHICLES

SB 30 Allows evidence of failure to wear a seatbelt to prove comparative negligence, causation, absence of defect, and failure to mitigate damages
SB 89 Enacts provisions relating to transportation
SB 368 Enacts provisions relating to transportation
HB 192 Modifies provisions relating to court procedures
HB 355 Modifies provisions relating to utilities
HB 499 Enacts provisions relating to transportation
HB 898 Establishes a "Back the Blue" special license plate
HB 926 Enacts provisions relating to license plates
HB 959 Modifies provisions relating to the regulation of certain business organizations

MUSEUMS

SB 397 Extends the period of time in which a petition to create a museum and cultural district may be filed

NATIONAL GUARD

SB 306 Modifies provisions regarding education for members of military families

NATURAL RESOURCES, DEPARTMENT OF

SB 84 Extends the sunset date on certain geologic resources fees from December 31, 2020, to December 31, 2025
SB 133 Modifies provisions relating to agriculture
SB 134 Modifies provisions relating to solid waste
SB 196 Modifies provisions relating to the Division of State Parks
SB 391 Modifies provisions relating to agricultural operations

NURSES

SB 514 Modifies provisions relating to health care

NURSING HOMES AND LONG-TERM CARE FACILITIES

SB 29 Extends the sunset on certain health care provider reimbursement allowances
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies

PARKS AND RECREATION

SB 196 Modifies provisions relating to the Division of State Parks

PHARMACY

SB 29 Extends the sunset on certain health care provider reimbursement allowances
SB 275 Modifies provisions relating to health care
SB 514 Modifies provisions relating to health care

PHYSICIANS

HB 126 Modifies provisions relating to abortion
HB 138 Establishes "Simon's Law" regarding life-sustaining treatment policies
HB 399 Enacts provisions relating to health care (VETOED)

POLITICAL SUBDIVISIONS

SB 17 Modifies provisions relating to public employee retirement systems

RAILROADS

HB 355 Modifies provisions relating to utilities

REDISTRICTING

SB 213 Enacts new provisions relating to the nonpartisan state demographer

RETIREMENT - SCHOOLS

SB 17 Modifies provisions relating to public employee retirement systems

HB 77 Exempts any person retired and receiving a retirement allowance from PSRS and employed by a public community college from current law relating to retirement allowance restrictions

RETIREMENT - STATE

SB 185 Provides eligibility for certain state employers in the Missouri State Employee's Retirement System

RETIREMENT SYSTEMS AND BENEFITS - GENERAL

SB 17 Modifies provisions relating to public employee retirement systems

SB 185 Provides eligibility for certain state employers in the Missouri State Employee's Retirement System

HB 77 Exempts any person retired and receiving a retirement allowance from PSRS and employed by a public community college from current law relating to retirement allowance restrictions

REVENUE, DEPARTMENT OF

SCR 14 Authorizes and directs the Office of Administration to execute and deliver a financing agreement for payment of debt service on transportation bonds issued by the Highways and Transportation Commission

SB 89 Enacts provisions relating to transportation

SB 147 Enacts provisions relating to motor vehicles (VETOED)

SB 179 Modifies filing requirements for certain banks and financial institutions

SB 291 Modifies provisions relating to public safety

HB 192 Modifies provisions relating to court procedures

HB 499 Enacts provisions relating to transportation

HB 831 Establishes special license plates

HB 898 Establishes a "Back the Blue" special license plate

HB 926 Enacts provisions relating to license plates

HB 959 Modifies provisions relating to the regulation of certain business organizations

ROADS AND HIGHWAYS

SCR 14 Authorizes and directs the Office of Administration to execute and deliver a financing agreement for payment of debt service on transportation bonds issued by the Highways and Transportation Commission

SB 147 Enacts provisions relating to motor vehicles (VETOED)

SB 210 Creates a number of official state designations, a memorial highway, and the Missouri Historical Theater program

HB 192 Modifies provisions relating to court procedures

HB 448 Designates the "Rep. Cloria Brown Memorial Highway"

HB 499 Enacts provisions relating to transportation

HB 812 Enacts provisions relating to the designation of memorial highways

TAX INCENTIVES

SB 68 Modifies provisions relating to workforce development
SB 180 Modifies provisions relating to incentives for the creation of military jobs
SB 182 Modifies provisions relating to the issuance of certain incentives to businesses relocating from certain counties in Kansas

TAXATION AND REVENUE - GENERAL

SB 291 Modifies provisions relating to public safety
SB 368 Enacts provisions relating to transportation
HB 126 Modifies provisions relating to abortion

TAXATION AND REVENUE - INCOME

SB 87 Modifies provisions relating to taxation
SB 174 Modifies provisions relating to taxation
HB 604 Modifies provisions relating to elementary and secondary education

TAXATION AND REVENUE - PROPERTY

SB 87 Modifies provisions relating to taxation
SB 133 Modifies provisions relating to agriculture
HB 220 Modifies provisions relating to the taxation of companies regulated by the Public Service Commission
HB 821 Establishes the Land Bank Act

TAXATION AND REVENUE - SALES AND USE

SB 21 Modifies provisions relating to local sales taxes
SB 87 Modifies provisions relating to taxation
SB 291 Modifies provisions relating to public safety
SB 333 Authorizes certain fire protection districts and municipalities to propose a 0.5% sales tax for fire protection
HB 220 Modifies provisions relating to the taxation of companies regulated by the Public Service Commission

TEACHERS

SB 17 Modifies provisions relating to public employee retirement systems
HB 77 Exempts any person retired and receiving a retirement allowance from PSRS and employed by a public community college from current law relating to retirement allowance restrictions
HB 604 Modifies provisions relating to elementary and secondary education

TELECOMMUNICATIONS

SB 17 Modifies provisions relating to public employee retirement systems
SB 291 Modifies provisions relating to public safety
HB 355 Modifies provisions relating to utilities

TOURISM

HB 266 Establishes a number of new state designations

VICTIMS OF CRIME

HB 397 Modifies provisions relating to the protection of children

VITAL STATISTICS

SB 282 Modifies provisions relating to the disposition of human remains (VETOED)

WASTE - SOLID

SB 134 Modifies provisions relating to solid waste

WATER RESOURCES AND WATER DISTRICTS

HB 355 Modifies provisions relating to utilities

SUBJECT INDEX

FOR

ONE HUNDREDTH
GENERAL ASSEMBLY,

FIRST EXTRAORDINARY SESSION
(2019)

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100TH GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION

MOTOR VEHICLES

HB 1 - Ruth - Modifies a sales tax allowance to allow for a credit for the sale of more than one vehicle

REVENUE, DEPARTMENT OF

HB 1 - Ruth - Modifies a sales tax allowance to allow for a credit for the sale of more than one vehicle

TAXATION AND REVENUE - SALES AND USE

HB 1 - Ruth - Modifies a sales tax allowance to allow for a credit for the sale of more than one vehicle

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